

Washington, Tuesday, August 23, 1955

TITLE 3—THE PRESIDENT PROCLAMATION 3108

MODIFICATION OF TRADE AGREEMENT CON-CESSIONS AND ADJUSTMENT IN RATES OF DUTY WITH RESPECT TO BICYCLES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, under the authority vested in him by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended, the President on October 30, 1947, entered into a trade agreement with certain foreign countries, which trade agreement on Consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof,

together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2050) and, by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement on and after January 1, 1948;

2. WHEREAS item 371 (First) in Part I of Geneva-Schedule XX annexed to the said General Agreement (61 Stat. (Part 5) A1213) reads as follows:

Tariff Act of 1930, para- graph	Description of Products	Rate of Duty
371	Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire): Over 25 inches: If weighing less than 35 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 154 inches. Other	\$1.25 each, but not less than 71% ner more than 15% ad val. \$2.50 each, but not less than 15% ner more than 55% ad val. \$2 each, but not less than 15% ner more than 30% ad val. \$1.25 each, but not less than 15% ner more than 50% ad val.

3. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said Proclamation No. 2761A, the United States customs treatment of the products described in the said item 371 (First) is the application to such products of the rates of duty specified in the column designated "Rate of Duty" in the said item 371 (First) which treatment reflects the concessions granted in the said General Agreement with respect to such products;

4. WHEREAS the United States Tariff Commission has submitted to me its report of an investigation, including a hearing, under section 7 of the Trade Agreements Extension Act of 1951, as amended (65 Stat. 72; 67 Stat. 472) on the basis of which it has found that the products described in the said item 371 (First) are, as a result in part of the duties reflecting the concessions granted thereon in the said General Agreement, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive products:

5. WHEREAS section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to proclaim such modifications of existing duties as are required or appropriate to carry out any foreign trade agreement that the President has entered into under the said section 350 (a), and

(Continued on p. 6115)

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CFR SUPPLEMENTS (For use during 1955)

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Title 32: Parts 400–699 (\$5,75)
Parts 800–1099 (\$5.00)
Part 1100 to end (\$4.50)
Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4–5 (\$0.70); Title 6 (\$2.00); Titles 4–5 (\$0.70); Title 6 (\$2.00); Titles 7- Parts 1–209 (\$0.60); Parts 210–899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10–13 (\$0.50); Title 14: Parts 1–399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Title 20 (\$0.75); Title 21 (\$1.75); Title 20.40); Title 20 (\$0.75); Title 21 (\$1.75); Title 20.50); Title 26: Parts 1–79 (\$0.35); Parts 80–169 (\$0.50); Parts 170–182 (\$0.50); Parts 183–299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28–29 (\$1.25); Titles 30–31 (\$1.25); Title 32: Parts 1–399 (\$4.50); Parts 700–799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35–37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40–42 (\$0.50); Titles 44–45 (\$0.75); Title 46: Parts 1–145 (\$0.40); Part 146 to end (\$1.25); Titles 47–48 (\$1.25); Title 49: Parts 1–70 (\$0.60); Parts 71–90 (\$0.75); Parts 91–164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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6. WHEREAS I find that the modifi-
cation of the concessions granted in the
said General Agreement with respect to
the products described in the said item
371 (First) to permit the application to
such products of the duties hereinafter
proclaimed is necessary to remedy the
serious injury to the domestic industry
producing like or directly competitive
products, and that upon such modifica-
tion of the concessions it will be appro-
priate to carry out the said General
Agreement, including Article XIX
thereof, to apply to the said products
the rates of duty hereinafter proclaimed:
NOW, THEREFORE, I. DWIGHT D.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim—

(a) That the said item 371 (First) shall be modified, effective after the close of business August 18, 1955, to read as follows:

Tariff Act of 1930, para- graph	Description of Products	
371	Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire): Over 25 inches: If weighing less than 36 pounds complete without accessories and not designed for use with tires having a cross-sectional diameter exceeding 15% inches. Other Over 19 but not over 25 inches Not over 19 inches	\$1.871/4 co nor mos \$3.75 cach more th \$2 cach, 11 more th \$1.871/4 co nor mos

\$1.671% each, but not less than 1114% nor more than 2214% ad val.

Rate of Duty

\$3.75 each, but not less than 22/475 ner mere than 20% and val. \$3 each, but not less than 23/475 ner mere than 30% and val. \$1.8712 each, but not less than 22/475 ner mere than 20% and val.

(b) That the products described in the said item 371 (First) as modified by paragraph (a) above, entered, or withdrawn from warehouse, for consumption after the close of business August 18, 1955, and until the President otherwise proclaims, shall be subject to the rates of duty specified in such modified item 371 (First)

Proclamation No. 2761A of December 16, 1947, as amended, is modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of August in the year of

our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightleth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, Secretary of State.

[P. R. Doc. 55-6878; Filed, Aug. 22, 1955; 11:06 a. m.]

EXECUTIVE ORDER 10632

Suspension of Certain Provisions of the Officer Personnel Act of 1947, as America, Which Relate to the Promotion of Officers of the Medical Corps and Dental Corps of the Navy

By virtue of the authority vested m me by section 426 (c) of the Officer Personnel Act of 1947, as amended by section 1 (h) of the act of June 30, 1951, 65 Stat. 109, it is ordered as follows:

Except as to the provision which reads.

"The number to be furnished the board in respect to the temporary promotion of officers not restricted in the performance of duty to the grades of captain and commander * * * shall be determined by the Secretary of the Navy as of the date of the convening of the board".

the operation of the provisions of paragraph (2) of section 308 (b) of the Officer Personnel Act of 1947 (61 Stat. 847) to the extent that such provisions are applicable to the Medical Corps and Dental Corps is hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE House, August 19, 1955.

[F. R. Doc. 55-6395; Filed, Aug. 22, 1955; 12:06 p. m.]

RULES AND REGULATIONS

TITLE 6-AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Corn Bulletin A, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP CORN PRICE SUPPORT PROGRAM

COMPLIANCE WITH ACREAGE ALLOTMENT REQUIREMENTS; CORN ACREAGE

This amendment to 1955 C. C. C. Corn Bulletin A (20 F. R. 2075) is for the purpose of providing producers at least 15 days from the date the notice of excess acreage is mailed by the county committee to adjust the planted acreage of corn to farm acreage allotment.

Section 421.1128 (e) is amended to read as follows:

§ 421.1128 Definitions. • • •

(e) "Corn acreage" means the number of acres of land on which field corn, including sweet corn produced for feed or silage, is planted alone or interplanted with other crops. Acreage planted to field corn, as described in the first sentence of this paragraph, in excess of the farm acreage allotment will not be deemed to be corn acreage if, on or before a date established by the county committee and approved by the State

committee, the product of such excess acreage (1) is plowed or disced under, or (2) is totally destroyed by causes beyond the control of the operator, unless the operator indicates in writing to the county committee, or an authorized representative thereof, that such destroyed acreage should be classified as corn acreage. Such date to be established by the county committee shall not be later than the date that corn normally starts to tassle in the county or areas within the county. Where measurement of the acreage planted to corn establishes that the 1955 corn acreage on such farm is in excess of the farm acreage allotment, the county committee shall mail to the operator written notice of the aforementioned final date at least 15 days in advance thereof, together with a notice of the measured acreage: Provided, That if such notice is not mailed at least 15 days prior to such established date, the period during which such planted acreage may be adjusted to the farm acreage allotment either by plowing or discing or by destruction by causes beyond the control of the operator shall be extended until 15 days from the date the notice is mailed. If the farm operator states in writing that he will not apply for price support on corn and the county committee determines, after discussion with the operator, that the other producer(s) interested in the 1955 corn crop on the farm will not apply for price support on corn, such written notice need not be given, unless one of the other producers interested in the 1955 corn crop on the farm notifies the county committee that he intends to apply for price support on corn in sufficient time prior to harvest to enable the county committee to make arrangements for the measurement of the corn acreage. The State ASC Committee shall notify the Director of the Grain Division of the dates established for the county or areas within a county for adjusting corn acreage to the farm acreage allotment.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 7 U. S. C.

Done at Washington, D. C., this 17th day of August 1955.

[SEAL]

TRUE D. MORSE, Acting Secretary.

[F. R. Doc. 55-6810; Filed, Aug. 22, 1955; 8:47 a. m.]

TITLE 14-CIVIL AVIATION

Chapter'Il—Civil Aeronautics Administration, Department of Commerce

PART 609-STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction.

In Federal Register Document 55-6198, appearing at page 5574, August 4, 1955, the following change should be made in amendatory paragraph 4: Under column 9, the first figure for Fort Lauderdale, Fla., now reading "300", should read "800"

TITLE 26—INTERNAL REVENUE. 1954

Chapter I-Internal Revenue Service, Department of the Treasury

Subchapter E-Alcohol, Tobacco, and Other **Excise Taxes**

PART 196-STILLS

On June 1, 1955, a notice of proposed rule making with respect to regulations designated as Part 196 of title 26 (1954) of the Code of Federal Regulations was published in the Federal Register (20 F R. 3828) The purposes of the proposal were to adopt Part 181 of Subchapter C of Title 26 of the 1939 Code of Federal Regulations as Part 196 of Title 26 of the 1954 Code of Federal Regulations and amend such adopted regulations:

(a) To implement the revision of the regulatory provisions of the Internal Revenue Code of 1954 (1) by requiring that only stills for the distillation, redistillation, or recovery of distilled spirits and alcohol be registered, (2) by pro-viding for an extension not to exceed six months to be granted by the district director for the filing of a special tax return on Form 11 by a manufacturer of stills, (3) by providing for the allowance of drawback on worms exported, and (4) by deleting exemption from tax in case of wooden stills:

(b) To implement administrative decisions (1) to delegate to the Director, Alcohol and Tobacco Tax Division, the authority to prescribe all forms required under the regulations, (2) to discontinue the requirement that a manufacturer must obtain permission prior to removal of any still from his premises and to require a notice in the case of removal of distilling apparatus to be used in the distillation, redistillation, or recovery of distilled spirits or alcohol, (3) to permit the exportation, without permit procedure, of stills not to be used for the distillation, redistillation, or recovery of distilled spirits and alcohol, and (4) to delete the requirement for the statement, executed by the purchaser under the penalties of perjury, that distilling apparatus purchased by him will not be used for distilling.

.. No data, views, or arguments pertaining thereto having been received within the period of 30 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth below

PARAGRAPH 1. Sections 196.38 and 196.39 are revised.

Par. 2. Section 196.47 is amended by adding at the end thereof the following new sentence, "Where the user of Distilling apparatus maintains the special (commodity) tax stamp denoting taxpayment in his files; as authorized by § 196.39, and there is a change in ownership or the distilling apparatus is removed from one premises to another the stamp must be transferred to the new owner or to the new premises.'

[SEAL] T. COLEMAN ANDREWS. Commissioner of Internal Revenue.

Approved: August 17, 1955.

A. N. Overby,

Acting Secretary of the Treasury,

Preamble. 1. The regulations in this part shall supersede Regulations 23, 1950 edition (26 CFR (1939) Part 181)

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 196.1 to 196.82 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A-SCOPE OF REGULATIONS

§ 196.1 Stills. This part relates to the manufacture, taxpayment, removal, use, and registration of stills and worms or condensers, and the exportation of stills and worms with benefit of drawback of internal revenue tax.

§ 196.2 Forms prescribed. The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms, or issued in respect thereto.

SUBPART B-DEFINITIONS

§ 196.5 Meaning of terms. As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 196.6 Assistant regional commissioner. "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the regional commissioner.

§ 196.7 Commissioner. "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 196.8 Director Alcohol and Tobacco Tax Division. "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 196.9 Distilled spirits. "Distilled spirits" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

§ 196.10 Distilling. "Distilling" shall mean the distillation of spirits or alcohol as defined by sections 5002 (b) (1) and 5319 (1) I. R. C. Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 5082,

I. R. C., (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of tax-free alcohol.

§ 196.11 Distilling apparatus. "Distilling apparatus" shall mean any still or worm or condenser defined in §§ 196.17 and 196.18.

§ 196.12 District director. "District director" shall mean a district director of internal revenue.

§ 196.13 Inclusive language. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 196.14 I. R. C. "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 196.15 Person, manufacturer, distiller user "Person," "manufacturer," "distiller," or "user" shall be construed to mean and include an individual, a trust, estate, partnership, association, company, or corporation.

§ 196.16 Regional commissioner. "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 196.17 Still. "Still" shall mean any apparatus capable of being used for separating alcoholic or spirituous vapors, or alcohol or spirituous solutions, or alcohol or spiritus, from alcohol or spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

§ 196.18 Worm or condenser. "Worm" or "condenser" shall mean any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include worms or condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

SUBPART C—MANUFACTURE, TAXPAYMENT, SALE, REMOVAL, AND REGISTRATION OF STILLS OR WORMS OR CONDENSERS

§ 196.25 Manufacturer of stills defined. Any person who manufactures any still or worm or condenser to be used in distilling shall be deemed a manfacturer of stills.

(63A Stat. 617; 26 U.S. C. 5102)

§ 196.26 Special tax liability; rate of tax. Manufacturers of stills, as to each place of manufacturer, shall pay a special (occupational) tax of \$55, and, in addition thereto, a special (commodity) tax of \$22, for each still or worm or condenser to be used in distilling made by him, i. e., \$22 for each still and \$22 for each worm or condenser.

'(68A Stat. 617; 26 U.S. C. 5101, 5162)

MANUFACTURE OF PARTS OF STILLS AND ASSEMBLING THEREOF

§ 196.27 Parts procured from same manufacturer. If separate parts of a complete still or worm or condenser, of any kind, are furnished by the same manufacturer to a distiller, or other person, who assembles the same into a still or worm or condenser for distilling, the manufacturer of the parts will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U.S. C. 5102)

§ 196.28 Materials or apparatus procured and converted into distilling apparatus. If a distiller or other person procures materials or apparatus, which are not separately subject to tax under the provisions of this part and converts same into a still or worm or condenser for distilling, he will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U.S. C. 5102)

RECONSTRUCTION OF STILLS

§ 196.29 Repairs or alterations. Whenever a still or worm or condenser, to be used in distilling, is reparted or altered by the addition of new maternal to such an extent as to virtually result in the construction of a new still or worm or condenser, the person making such repairs or alterations will be held liable for the special (commodity) tax of \$22 for each still or worm or condenser so repaired or altered, and in addition will incur liability for the special (occupational) tax of \$55 as a manufacturer of stills.

(68A Stat. 617; 26 U.S. C. 5101, 5102)

§ 196.30 Extent of changes. Minor structural changes made in a still or worm or condenser, such as the limited replacement of parts or the addition of new materials, which do not effect any material change in the mode of operation, character, or capacity of the distilling apparatus, will not be deemed to constitute the manufacture of a new still or worm or condenser.

(68A Stat. 617; 26 V. S. C. 5102)

§ 196.31 Manufacturer to notify assistant regional commissioner. Anv person making such changes, repairs, or alterations of a still or worm or condenser will immediately notify the assistant regional commissioner of the region of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are mvolved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the assistant regional commissioner for determination of tax liability. If such is available, information as to the initial cost of the construction of the apparatus should likewise be furnished the assistant regional commissioner.

(68A Stat. 617; 26 U.S. C. 5162)

commissioner The assistant regional commissioner will determine in each instance whether changes, repairs, or alterations of any still or worm or condenser constitute the manufacture of a new still or worm or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the assistant regional commissioner will promptly notify the appropriate district director of such tax liability. The district director will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the assistant regional commissioner deems necessary. In the event of doubt whether the changes, repairs, or alterations of any still, worm, or condenser are of such nature or extent as to incur tax, the assistant regional commissioner will refer the case, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, to the Director, Alcohol and Tobacco Tax Division, for a ruling.

(68A Stat. 617; 26 U.S. C. 5102)

NAME PLATES

§ 196.33 Name plate of manufacturer on still. Each still or worm or condenser must be identified as follows:

- (a) Name of manufacturer.
- (b) Address of manufacturer.

(c) Manufacturer's serial number for the article. Such identification shall be shown by the manufacturer on a plate, securely attached to the apparatus by riveting or brazing, or be cut, by the manufacturer, by suitable die legibly and durably in the material of which the apparatus is made. The identification marks may not be covered by insulating or other material, or otherwise obscured or concealed. Such marks on stills or worms or condensers will be disclosed by the manufacturer or vendor in the notice to the assistant regional commissioner.

PAYMENT OF TAX

§ 196.34 Special tax return. Special (occupational) taxes imposed on manufacturers of stills or worms or condensers and the special (commodity) taxes on such articles will be paid by the manufacutrer pursuant to the filing of a special tax return, Form 11, showing the information required by the form.

§ 196.35 Execution of Form 11. The return of an individual proprietor shall be signed by the proprietor the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees. executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be followed by his title. Returns signed by persons as agents will not be accepted unless they file with the district director a power of attorney, authorizing them so to act. Form 11 must contain or be verified by a written declaration that it has been executed under the penalties of periury.

(68A Stat. 749, 846; 26 U.S. C. 6065, 7011)

§ 196.36 Special (occupational) tax. The special (occupational) tax on manufacturers of stills is due on the 1st day of July in each year, or on commencing such trade or business. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following. It shall be the duty of the special-taxpayers to render their returns with required remittances to the district director at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month. except in cases of sickness or absence where, as provided by section 6081. I. R. C., an extension not to exceed six months is granted by the district director. (68A Stat. 624; 26 U.S. C. 5142)

§ 196.37 Posting of stamp. The special (occupational) tax stamp must be conspicuously posted in the establishment or place of business of the manufacturer of stills.

(68A Stat. 831: 26 U.S. C. 6806)

§ 196.38 Special (commodity) tax. The special (commodity) tax on each still or worm or condenser intended for distilling is due when the manufacture thereof is completed and must be paid before such article is removed from the place of manufacture or before being set up, if manufactured on the premises where intended to be used. The special (commodity) tax stamp denoting taxpayment must be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

§ 196.39 Disposition of special (commodity) tax stamp. After cancellation of the stamp has been completed, the stamp shall be enclosed in a moisture proof case having a transparent face and secured to the article by means of screws, bolts, or rivets, or by brazing, or shall be furnished to the user of the distilling apparatus for retention in his files on the premises where the distilling apparatus is set up. The stamp must be kept available for examination by internal revenue officers.

(68A Stat. 830: 26 U.S. C. 6804)

§ 196.40 Types of distilling apparatus subject to special (commodity) tax. Under the law the \$22 tax is due on each still and on each worm or condenser used as indicated in this section and not

§ 196.32 Action by assistant regional preceded by the name of the principal merely one tax on the unit. This means that tax is due on the beer still, and each successive still or worm or condenser through which the spirits are passed, including an intermediate or primary worm or condenser for low wines. which require doubling, with the following exceptions:

(a) A worm or condenser for the condensation of aldehydes or fusel oil only, where such aldehydes or fusel oil contain only negligible quantities of alcohol, is not subject to the \$22 tax.

(b) A preheater used solely for preheating distilling material is not subject to the \$22 tax.

(c) A cooler, consisting of a series of metal tubes enclosed in a water jacket or other apparatus of similar construction, used solely for reducing the temperature of hot spirits, is not subject to the \$22 tax.

(d) A separator or dephlegmator, used solely for separating vapors of lower boiling points from vapors of higher boiling points, allowing the latter to condense and reflux to the still, and the former to pass forward to a worm or condenser, is not subject to the \$22 tax.

§ 196.41 Use by United States. Any still or distilling apparatus intended for use by the United States, or any governmental agency thereof, in distilling, may be removed by the manufacturer, subject to the notice of removal prescribed by § 196.42 without payment of the special (commodity) tax thereon.

(68A Stat. 900; 26 U.S. C. 7510)

(68A Stat. 617; 26 U.S. C. 5101)

PROCEDURE FOR REMOVAL FOR DOMESTIC USE FOR DISTILLING

§ 196.42 Notice of removal. No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus intended for use in distilling, shall be removed from the premises of the manufacturer, or dealer, as the case may be, for delivery to a user, or for his own use, until the assistant regional commissioner of the region to which the equipment will be shipped has been notified on Form 110. Such notice shall contain or be verified by a written declaration that it is made under the penalties of perjury, and must disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed; the name and address of the person by whom the apparatus is to be used, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, the serial number of the manufacturer's special (occupational) tax stamp and, unless the apparatus is to be removed without payment of tax for use by the United States, the serial number of the special (commodity) tax stamp for the apparatus. No distilling apparatus may be set up for distilling without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used as provided in § 196.43. (See §§ 196.60 to 196.72 relative to exportation of stills and worms with benefit of drawback.

(68A Stat. 617; 26 U.S. C. 5105)

4 § 196.43 Application and permit to set up distilling apparatus. Upon receipt of such distilling apparatus and before setting up the same for distilling, the user shall apply to the assistant regional commissioner on part 1, Form 1609, in duplicate, for permission to set up such apparatus, specifying the type of apparatus, the capacity, the serial number thereof, the name and address of the manufacture?, the name and address of the vendor, and the purpose for which the apparatus will be used. The assistant regional commissioner shall then, if he has in his possession the notice of removal of the distilling apparatus from the premises of the manufacturer or vendor, issue a permit on part 2, Form 1609, authorizing the distilling apparatus to be set up by the user. Such permission will contain the stipulations: (a) That the distilling apparatus must be immediately registered when set up, as required by §§ 196.45 to 196.47, and (b) that all provisions of internal revenue law and regulations, as may be applicable to the class of operations to be conducted, will be complied with prior to use of such apparatus for distilling.

(68A Stat: 617, 628; 26 U.S. C. 5105, 5174)

§ 196.44 Failure to give notice penalty. Failure to give the notice of intention to remove and obtain the permit to set up a still is punishable in the sum of \$500, and the distilling apparatus is forfeitable to the Government.

(68A Stat. 683; 26 U.S. C. 5602)

REGISTRY OF STILLS

§ 196.45 Registration with assistant regional commissioner. Every person having in his possession, custody, or under his control, any still or distilling apparatus set up, and intended for use in distilling, shall register the same on Form 26 with the assistant regional commissioner of the region in which such still or distilling apparatus is located. The Form 26 shall be executed in accordance with the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, and shall contain or be verified by a written declaration that it has been executed under the penalties of perjury. An approved copy of Form 26 will be returned to the registrant by the assistant regional commissioner, and shall be retained on the premises where the still is set up for examination by visiting internal revenue officers.

(68A Stat. 628; 26 U.S. C. 5174)

§ 196.46 When still is "set up." A still will be regarded as set up and subject to registry when it is in position over a furnace, or connected with a boiler so that heat may be applied, although the worm or condenser may not be in position. These instructions as to stills set up are intended merely as illustrations and are not expected to cover all types of stills or worms or condensers requiring registration under the law.

(68A Stat. 628: 26 U.S. C. 5174)

§ 196.47 Change in location or ownership of distilling apparatus. In the event a user desires to remove any distilling apparatus subject to registration under this part to another location after the same has been registered, no permit therefor will be required. The user must, however, prior to removal, file Form 26 to register the apparatus "not for use" and to disclose the location to which the removal is to be made and the approximate date of such removal. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Likewise, when a user sells or otherwise disposes of any distilling apparatus, no permit for removal, sale, or disposition thereof will be required. The user must, however, prior to disposal of such apparatus, file Form 26 with the assistant regional commissioner to register the apparatus "not for use" and to disclose the method of disposition (sale, destruction, or otherwise), the name and address of the person to whom disposed of, the approximate date the apparatus is to be removed, and the purpose for which it is intended to be used. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Where there has been a change in ownership, custodianship, control, or a removal to other premises, of any still or distilling apparatus, intended for use in distilling, the person in whose possession, custody, or under whose control the still or distilling apparatus is set up must immediately register the same with the assistant regional commissioner. Where the user of distilling apparatus maintains the special (commodity) tax stamp denoting taxpayment in his files, as authorized by § 196.39, and there is a change in ownership or the distilling apparatus is removed from one premises to another the stamp must be transferred to the new owner or to the new premises.

(68A Stat. 617, 628; 26 U.S. C. 5105, 5174)

SUBPART D—EXPORTATION OF STILLS AND WORMS WITH BENEFIT OF DRAWBACK

§ 196.60 Exportation. An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country.

(68A Stat. 618; 26 U.S. C. 5106)

§ 196.61 Puerto Rico, Guam, American Samoa, or Virgin Islands. Reference in this part, and in the forms prescribed thereunder, to exportation to a foreign country shall apply to shipments from the United States to Puerto Rico, Guam, American Samoa, or the Virgin Islands. (68A Stat. 618, 808; 26 U. S. C. 5106, 7653)

§ 196.62 Drawback of tax. Drawback of the tax paid on stills and worms manu-

factured for export is allowable upon exportation. Where a special (commodity) tax has been paid on stills and worms intended for export and drawback is desired, the manufacturer shall brand such articles, make application for allowance of drawback, and deliver such articles into customs custody as provided in §§ 196.63 to 196.67.

(68A Stat. 618; 26 U.S. C. 5106)

§ 196.63 Marking of stills, worms or condensers. Stills, worms or condensers intended for exportation with benefit of drawback shall have branded or stamped thereon, in a conspicuous place, the words "for export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "for export," with the senal number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "for export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

§ 196.64 Request for inspection; entry for exportation; drawback claim. After manufacture of the stills, worms or condensers and before the same are removed from the place of manufacture, the manufacturer (exporter) will forward to the district director of his district Form 1610, in triplicate, with parts 1 and 2 duly executed. Request for exportation and release of the apparatus for immediate exportation, and application for allowance of drawback, equal to the internal revenue tax paid on the apparatus when actually exported, will be made in part 1 of Form 1610. Entry for exportation of the apparatus and claim for drawback of the internal revenue tax paid thereon will be made by the manufacturer (exporter) in part 2 of the form, and shall contain or be verified by a written declaration that it is made under the penalties of perjury. stamps denoting payment of the tax must be attached to the original of the

(68A Stat. 618; 26 U.S. C. 5106)

§ 196.65 Payment of tax; inspection by collection officer certificate. Upon the receipt of claim and entry on Form 1610, and upon the payment of the tax due, the district director will direct a collection officer to proceed to the place of manufacture, and, if the stills, worms or condensers are found to agree with those described in the form, and are properly marked or branded as required by this part, the collection officer will execute the certificate in part 4 of the The stamp, or stamps, attached form. to the claim must, in the presence of the collection officer, be canceled by the manufacturer by writing across the face thereof in ink the word "canceled" followed by the name of the manufacturer,

the manufacturer's serial number of the apparatus, and the date of cancellation. The collection officer will then release the apparatus for delivery to carrier or into customs custody, and will mail or deliver two copies (one the original, with the special tax stamps attached) of the claim and entry, Form 1610, to the collector of customs and forward the remaining copy to the district director.

(68A Stat. 618; 26 U.S. C. 5106)

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

§ 196.66 Place of manufacture located at the port of exportation. The manufacturer shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry, Form 1610, must be filed with the collector of customs at least six hours prior to the lading of the distilling apparatus in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the district director of the district in which the place of manufacture is located, for attachment to the copy of Form 1610 retained by him. The bill of lading must show the exporter as the shipper, the manufacturer's serial numbers of the articles, and the number of articles contained in the shipment.

(68A Stat. 618: 26 U.S. C. 5106)

§ 196.67 Place of manufacture located elsewhere than at the port of exportation. The manufacturer shall deliver the shipment either directly for customs inspection and supervision of lading or to a common carrier for transportation to the port of export. The exporter shall transmit a copy of the bill of lading covering such transportation and a copy of the export bill of lading to the district director, for attachment to the copy of Form 1610 retained by him. In case of exportation through a border port to contiguous foreign territory the bill of lading will show the routing, particularly the name of the carrier that is to deliver the shipment for customs inspection at the border port, and will cover transportation to the foreign destination: Provided. That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of manufacture to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs or the deputy collector of customs at the border port. One copy of the through bill of lading or of each of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the district director, for attachment to the copy of Form 1610 retained by him. (68A Stat. 618; 26 U.S. C. 5106)

§ 196.68 Inspection and lading. The collector of customs, to whom claim and entry on Form 1610 is transmitted by the collection officer, will fill in on each copy of said form the order for inspection and lading. The inspector of customs will carefully examine the apparatus described in the entry and he will, if he

finds the articles to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the apparatus has been duly laden on board the conveyance of the export carrier, the inspector will complete and sign the certificate of inspection and lading in part 6 of Form 1610. If the inspector discovers any evidence of fraud, he will detain the apparatus and notify the collector of customs, who will inform the assistant regional commissioner of the region in which said port is located.

(68A Stat. 618; 26 U.S. C. 5106)

§ 196.69 Certificate of exportation. After inspection and lading and clearance for a foreign port of the vessel or car on which the articles described in the entry are laden, the collector of customs will execute the certificate of exportation on each copy of the claim and entry, Form 1610. He will retain one copy of the form for his entry record and will transmit the original to the district director for the district from which the apparatus was shipped:

(68A Stat. 618; 26 U.S. C. 5106)

APPROVAL AND SUBMISSION OF CLAIMS

§ 196.70 Action by district director The district director will immediately examine the claim for drawback on Form 1610, received from the collector of customs (§ 196.69) and if satisfied that the claim is a valid one, he will endorse his approval thereon and forward it with the special tax stamps attached, to the assistant regional commissioner of the region in which the claimant is located. (68A Stat. 618; 26 U.S. C. 5106)

§ 196.71 Action by assistant regional commissioner If the assistant regional commissioner finds that the claim is in order, he will approve the claim. If the claim is disallowed in whole or in part, the assistant regional commissioner will so notify the claimant and state the reasons therefor.

(68A Stat. 618; 26 U.S. C. 5106)

§ 196.72 Penalty for fraudulently claiming drawback. One who fraudulently claims or seeks to obtain an allowance of drawback on merchandise on which no tax has been paid, or a greater allowance of drawback than the tax actually paid, is liable to forfeiture of triple the amount claimed or \$500, at the election of the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 869; 26 U.S. C. 7304)

SUBPART E-REMOVAL OF STILLS NOT INTENDED FOR USE IN DISTILLING

§ 196.80 Removal for domestic use. Distilling apparatus which is to be used within the United States, the territories of Hawaii and Alaska, and the District of Columbia for purposes other than for distilling, as defined in § 196.10, is exempted from the procedure and requirements set forth in §§ 196.42 to 196.47. Manufacturers and vendors of distilling apparatus for purposes other than for distilling shall maintain at their premises a record showing all stills manufactured, received, and removed or otherwise disposed of. Such record shall show the name and address of the purchaser and the purpose for which each still is to be used. Such records will be kept available for a period of 2 years for inspection by internal revenue officers. At the close of each month, and not later than 10 days thereafter, the manufacturer or vendor shall submit a report to the assistant regional commissioner of the region in which his premises are located showing the number of stills on hand at the beginning of the month, the number received, the number disposed of, the number on hand at the end of the month, and as to each such still removed, the name and address of the purchaser and the type, capacity, and kind. Each report shall be signed by the manufacturer or vendor or his authorized agent and immediately above the signature there shall appear the following statement, "I declare under the penalties of perjury that this report has been examined by me and to the best of my knowledge and belief is a true and correct report." Upon application by the manufacturer or vendor, the assistant regional commissioner may waive the requirement for the submission of such report when he finds that such waiver will not jeopardize the revenue. Such waiver shall terminate upon notification by the assistant regional commissioner to the manufacturer or vendor.

'§ 196.81. Removal for exportation. Distilling apparatus intended for use for purposes other than for distilling, marked and branded as required by § 196.63, may be removed without payment of tax, for exportation by the manufacturer or dealer.

§ 196.82 Export bill of lading required. When any distilling apparatus is removed for exportation, without payment of tax, under the provisions of § 196.81, the vendor must obtain a copy of the export carrier's bill of lading covering the shipment of the article. Such bill of lading must be kept available for a period of not less than 2 years for inspection by internal revenue officers.

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TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B-Renegotiation Board Regulations Under the 1951 Act

PART 1453-MANDATORY EXEMPTIONS FROM RENEGOTIATION

COMPETITIVE BID CONSTRUCTION CONTRACTS

This part is amended by adding a new § 1453.7 to read as follows:

-§ 1453.7 - Construction contracts awarded as a result of competitive bidding-(a) Statutory provision. Section 106 (a) (9) of the act (added by Pub.

12 This provision applies only to contracts made after December 31, 1954. ** 1 ...

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Law 216, 84th Cong., approved August 3, 1955) exempts the following:

- (9) Any contract, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility, other than a contract for the construction of housing financed with a mortgage or mortgages insured under the provisions of title VIII of the National Housing Act, as now or hereafter amended.
- (b) Scope of exemption. (1) It is considered that a prime contract is exempt under paragraph (a) of this section, if it meets all of the following conditions:

(i) The contract was made after December 31, 1954.

(ii) The contract is for the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility, and is not one for the construction of housing financed with a mortgage or mortgages insured under the provisions of title VIII of the National Housing Act, as now or hereafter amended.

(iii) The contract was awarded in conformity with the requirements for procurement by formal advertising set forth in section 3 of the Armed Services Procurement Act of 1947. See Report of Senate Committee on Finance ((1955) S. Rept. 582, 84th Cong. 3, to accompany

H. R. 4904.)

- (c) Application of exemption. The exemption does not apply to contracts for the sale or furnishing of machinery and equipment, even if such machinery or equipment is to be used in the construction of a building, structure, improvement or similar facility, or is to be installed therein. Such contracts are subject to renegotiation under the provisions of § 1452.5 (b) (2) of this subchapter. When the construction or installation of the whole or any integral part of a building, structure, improve-ment or similar facility, and the furnishing or the furnishing and installation of machinery or equipment are embraced within a single contract, whether or not the consideration for each of such undertakings is separately stated therein, that part of the receipts or accruals under the contract attributable to the construction or installation of the facility will be deemed to be within the exemption, and that part of the receipts or accruals under the contract attributable to the furnishing or the furnishing and installation of the machinery or equipment will be excluded from the exemption.
- (d) Additional construction. When a construction contract is supplemented or otherwise modified to provide for additional or different construction or installation of buildings, structures, improvements or similar facilities, to be performed at or adjacent to the site of the original project, such supplemental or other modifying instruments are considered a part of the original construction contract. Therefore, if a prime contract is exempt from renegotiation under the provisions of section 106 (a) (9) of the act, all such supplemental or other modifying instruments are likewise exempt from renegotiation, but only if the aggregate of the prices stated in all such supplemental or other modifying

instruments does not exceed one-third of "1954" and inserting in lieu thereof the price stated in the original construction contract. If such aggregate does exceed one-third of the original price, the supplemental or other modifying instruments are not exempt, and the entire aggregate, including such one-third. is subject to renegotiation.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup.

Dated: August 17, 1955.

FRANK L. ROBERTS, Chairman.

[F. R. Doc. 55-6820; Filed, Aug. 22, 1055; 8:49 a. m.)

PART 1454-PARTIAL MANDATORY EXEMP-TION OF PRIME CONTRACTS AND SUB-CONTRACTS FOR NEW DURABLE PRODUC-TIVE EQUIPMENT

FISCAL YEARS ENDING ON OR AFTER JUNE 30, 1953; STATUTORY PROVISION

Section 1454.21 Statutory provision is amended as follows:

1. At the end of paragraph (1) of the statutory provision set forth therein, the following is added: "[Matter in italics added by Pub. Law 764, 83d Cong., approved September 1, 1954.]"

2. Paragraph (2) of said statutory provision is deleted in its entirety and the following is inserted in lieu thereof:

(2) Definition. For the purpose of this subsection, the term "durable productive equipment" means machinery, tools, or other productive equipment which has an average useful life of more than five years. [Matter in italics added by Pub. Law 216, 84th Cong., approved August 3, 1955, which also deleted "which does not become a part of an end product, or of an article incor-porated therein, and" after "other equip-ment" The words "acquired by any agency of the Government under a contract with a department" after "product" were deleted by Pub. Law 764, 83d Cong., approved September 1, 1954.]

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. Sup. 1219)

Dated: August 17, 1955.

FRANK L. ROBERTS, Chairman.

[F. R. Doc. 55-6821; Filed, Aug. 22, 1955; 8:49 a. m.]

PART 1466-TERMINATION OF RENEGOTIATION

STATUTORY PROVISION; DEFINITION OF TERMINATION DATE

- 1. Section 1466.1 Statutory provision is amended by deleting "1954" before the period at the end of the statutory provision set forth therein, and the matter in brackets following such date, and inserting in lieu thereof the following: "1956. [Date in italics changed from 1953 to 1954 by Pub. Law 764, 83d Cong., approved September 1, 1954; and changed from 1954 to 1956 by Pub. Law 216, 84th Cong., approved August 3,
- 2. Section 1466.2 Definition of "termination date" is amended by deleting

"1956"

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. Sup. 1219)

Dated: August 17, 1955.

FRANK L. ROBERTS, Chairman.

[F. R. Doc. 55-6822; Filed, Aug. 22, 1955; 8:49 a. m.]

PART 1467-MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES 1

STANDARD COMMERCIAL SERVICES

1. The title of this part is changed as set forth above.

- 2. Section 1467.1 Statutory provision is amended by inserting after "a stand-ard commercial article" in the first sentence of paragraph (8) of the statutory provision set forth therein "or a standard commercial service" by inserting after "such article" each place it appears in the first and second sentences thereof "or such service" by striking out "and" at the end of subparagraph (C), by redesignating subparagraph (D) to be subparagraph (G) and by inserting after subparagraph (C) the following:
- (D) The term "cervice" means any procecoing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another percon.
 (E) The term "standard commercial serv-

means a service which is customarily performed by more than two persons for general civilian industrial or commercial requirements, or is reasonably comparable with

a cervice to performed.

(F) The term "reasonably comparable" means of the came or a similar kind, performed with the came or similar materials, and having the came or a similar result. without necessarily involving identical operations: and

3. Section 1467.1 is further amended by adding after the period in the bracketed material at the end thereof the following: "Matter in italics added by Pub. Law 216, 84th Cong., approved August 3, 1955"

4. Section 1467.2 Basis of exemption is amended by adding at the end thereof

the following:

• • With respect to standard commercial cervices, the following was stated in the report of the Senate Committee on Finance ((1955) S. Rept. 582, 84th Cong. 3, to accompany H. R. 4904).

"Your committee has added a new section 2 to the bill which would give a standard commercial cervice the same treatment as is now accorded a standard commercial article. It was brought to the attention of the committee that the standard commercial article exemption was limited to the cale of goods and thus excluded contractors or subcontractors who performed processing cervices of a standard commercial character upon goods belonging to other persons. Examples of this are textile finishing, heat treating, and plating. Tais amendment is given the came effective date as the standard commercial article exemption."

^{*}See § 1467.9 for regulations pertaining to standard commercial services.

- 5. Section 1467.4 Filing of information and data pertaining to standard commercial articles is amended by deleting paragraph (b) in its entirety and inserting in lieu thereof the following:
- (b) Contents of Standard Commercial Article Report; extent of filing required. The Standard Commercial Article Report shall consist of Parts I and II and shall contain the information and data set forth in this paragraph. Part I shall be filed by every contractor who claims the exemption provided in section 106 (a) (8) of the act. Part II may be filed with Part I by any contractor who desires to do so, but must always be filed with Part I if the statement made in Part I under subparagraph (4) is in the negative. Contractors are invited to include in their reports the information and data described in subparagraphs (5) or (10) A separate report must be filed by every contractor claiming the exemption; affiliated or related contractors may not file consolidated reports. The contents of the Standard Commercial Article Report shall be as follows:

PART I

(1) Description of articles. A description of the articles (by class) claimed to be exempt as standard commercial articles, including representative catalogs or brochures; if available. For this purpose, articles may be grouped into such product classes as the contractor uses regularly in its own accounting system, provided that any such class is limited to articles which are reasonably similar in kind, content and size. Articles included in general classifications such as forgings, castings, stampings, or the like, must be adequately itemized in respect of kind and use. The contractor shall be en-titled to state in the report that, if the Board denies the exemption with respect to certain product classes, the exemption is waived with respect to any or all other product classes, specifying clearly the pertinent product classes.

(2) Sales data. A schedule of sales, showing for each class of articles the following

data (actual or estimated)

Class	Sales o	laimed exempt	Nonre- negoti- able sales	Total
Class	Prime contract	Sub- contract		
,		•		
Total				\$

Other renegotiable sales, not claimed to be ex-

Estimates, if used, are for the purposes of this report only and may be based upon the experience of the contractor in prior years and/or upon available information for the year under review. It is not required that detailed segregation methods be employed for the purpose of making such estimates. If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales listed above should be stated after application of such exemption.

(3) Pricing policy. A statement of the pricing policy of the contractor with respect to whether the sales claimed to be exempt

were made at prices equal to or higher than or lower than prices charged on sales of similar articles in comparable amounts for non-renegotiable, use.

- (4) Shelf items. A statement that the articles (by class) claimed to be exempt, in the normal course of business, are or are not customarily manufactured for stock, and customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the market-ing of such articles. If only some of the articles included in any product class of the contractor are customarily manufactured for and maintained in stock as described in this subparagraph, the report should so indicate and should state the actual or estimated amount of the sales thereof. The other articles included in such product class, if claimed to be exempt, should be reported under Part-II.
- (5) Competitive conditions. Any other pertinent information and data which, in the opinion of the contractor; tends to establish that competitive conditions affecting the sale of such articles were such as would reasonably prevent excessive profits. The competitive conditions to be considered are those which prevailed at the time of the making of the contracts or subcontracts under which the contractor, during the fiscal year under review, made the sales for which exemption is claimed.

- (6) Names of other manufacturers. With respect to the articles (by class) claimed to be exempt, set forth the names and addresses of not less than two other persons, not related to the contractor and known or believed by the contractor to be not related to each other, who manufactured and sold such articles for general civilian industrial or commercial use during the fiscal year under review.
- (7) Substantially identical articles: If any such article was not manufactured and sold during the fiscal year by more than two persons for general civilian industrial or commercial use, but is claimed to be identical in every material respect with an article so manufactured and sold, set forth the information required by subparagraph (6) with respect to such other article, together with information sufficient to establish that both of such articles are of the same kind, are manufactured of the same or substitute materials, and have the same industrial or commercial use or uses.
- (8) Prime contract data. A statement indicating generally the extent to which the prime contracts, if any, of the contractor for such articles were negotiated or resulted from formal advertising and competitive bidding in conformity with the requirements of section 3 of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.).
- (9) Subcontract, data. A statement indicating generally the extent to which the subcontracts, if any, of the contractor for such articles were negotiated or resulted
- from competitive bidding.

 (10) Competitive conditions. Any other pertinent information and data which, in the opinion of the contractor, tends to establish that competitive conditions affecting the sale of such articles were such as would reasonably prevent excessive profits. The competitive conditions to be considered are those which prevailed at the time of the making of the contracts or subcontracts under which the contractor, during the fiscal year under review, made the sales for which exemption is claimed.
- 6. A new § 1467.9 is added to read as follows:

§ 1467.9 Standard commercial services. (a) Sections 1467.2 to 1467.8, inclusive, pertaining to standard commercial articles, shall apply with equal force and effect to standard commercial services, except where such application is not practicable or where specific provision relating to standard commercial services is made in this part. Wherever practicable, all references in said sections to standard commercial articles will be deemed to include standard commercial services, and all references to the Standard Commercial Article Report will be deemed to include the Standard Commercial Service Report described in paragraph (b) of this section. The information and data described in paragraph (b) of this section will be known as the "Standard Commercial Service Report" The information and data required by this report shall be furnished in writing, shall be entitled "Standard Commercial Service Report", and shall be set forth in numbered paragraphs corresponding with the numbers in paragraph (b) of this section. Attention is called to the fact that the submission of such information and data is subject to the penalty provisions of section 105 (e) (1), of the

(b) Contents of Standard Commercial Service Report. The Standard Commercial Service Report shall contain the information and data set forth in this paragraph. Contractors are invited to include in their reports the information and data described in subparagraph (8) of this paragraph. A separate report must be filed by every contractor claiming the exemption; affiliated or related contractors may not file consolidated reports. The contents of the Standard Commercial Service Re-

port shall be as follows:

(1) Description of services. A description of the services claimed to be exempt as standard commercial services, including representative catalogs or brochures. if available. For this purpose, services may be grouped into such classes as the contractor uses regularly in its own accounting system. The contractor shall be entitled to state in the report that, if the Board denies the exemption with respect to certain service classes, the exemption is waived with respect to any or all other service classes, specifying clearly the pertinent service classes.

(2) Sales data. A schedule of sales, showing for each class of services the following data (actual or estimated)

Class	Sales o to be o	laimed xempt	Nonro- negoti-		
	Prime contract	Sub- contract	alda	Total	
#*************************************					
*****************		*******		-44504-4	
Total				\$	

Other renegotiable sales, not claimed to be ex-

Estimates, if used, are for the purposes of this report only and may be based upon the experience of the contractor in prior

for the year under review. It is not required that detailed segregation methods be employed for the purpose of making such estimates.

(3) Pricing policy. A statement of the pricing policy of the contractor with respect to whether the sales claimed to be exempt were made at prices equal to or higher than or lower than prices charged on sales of similar services in comparable volume for non-renegotiable requirements.

(4) Names of other service companies. With respect to the services (by class) claimed to be exempt, set forth the names and addresses of not less than two other persons, not related to the contractor and known or believed by the contractor to be not related to each other, who performed such services for general civilian industrial or commercial requirements during the fiscal year under review.

(5) Comparable services. If any such service was not performed during the fiscal year under review by more than two persons for general civilian industrial or commercial requirements, but is claimed to be reasonably comparable with a service so performed, set forth the information required by subparagraph (4) of this paragraph with respect to such other service, together with information sufficient to establish that both of such services are of the same or a similar kind, are performed with the same or similar materials, and have the same or a similar result.

(6) Prime contract data. A statement indicating generally the extent to which the prime contracts, if any, of the contractor for such services were negotiated or resulted from formal advertising and competitive bidding in conformity with the requirements of section 3 of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th

(7) Subcontract data. A statement indicating generally the extent to which the subcontracts, if any, of the contractor for such services were negotiated or resulted from competitive bidding.

conditions. Any (8) Competitive other pertinent information and data which, in the opinion of the contractor, tends to establish that competitive conditions affecting the sale of such services were such as would reasonably prevent excessive profits. The competitive conditions to be considered are those which prevailed at the time of the making of the contracts or subcontracts under which the contractor, during the fiscal year under review, made the sales for which exemption is claimed.

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. Sup.

Dated: August 17, 1955.

FRANK L. ROBERTS. Chairman.

[F. R. Doc. 55-6823; Filed, Aug. 22, 1955; 8:50 a. m.1

years and/or upon available information Part 1467-Mandatory Exemption of CONTRACTS AND SUBCONTRACTS YOR STANDARD COMMERCIAL ARTICLES OR SERVICES

> PART 1470-PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

TIME FOR FILING FINANCIAL STATEMENTS AND STANDARD COMMERCIAL ARTICLE OR SERVICE REPORTS UNDER RENEGOTIATION ACT OF 1951, AS ALTENDED 1

1. Every person having a fiscal year beginning in 1954 and ending in 1955 before June 30, 1955, is hereby granted an extension of time, until November 1, 1955, for filing the financial statement for such year required of such person. Every such person shall be entitled to file a Standard Commercial Article Report or a Standard Commercial Service Report for such fiscal year at any time before October 1, 1955. If the Standard Commercial Article Report or the Standard Commercial Service Report is so filed, such person shall not be required to file the financial statement until November 1, 1955, or until the thirtleth day after the Board sends to such person a written notice of the action of the Board on the claim for exemption, whichever occurs later. If the Standard Commercial Article Report or the Standard Commercial Service Report is not filed by such person before October 1, 1955, it shall be filed on or before November 1, 1955, with the financial statement for such fiscal year required of such person.

2. Except as hereinafter provided, every person having a fiscal year begining in 1954 and ending in 1955 on or after June 30, 1955, shall file, on or before the first day of the fifth calendar month following the close of such fiscal year, the financial statement for such fiscal year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951, as amended. Every such person shall be entitled to file a Standard Commercial Article Report or a Standard Commercial Service Report for such fiscal year at any time before October 1, 1955, or the first day of the third calendar month following the close of such fiscal year, whichever occurs later. If such report is so filed, such person shall not be required to file the financial statement until the first day of the fifth calendar month following the close of such fiscal year, or until the thirtieth day after the Board sends to such person a written notice of the action of the Board on the claim for the exemption, whichever occurs later. If not so filed, such report shall be filed with the financial statement for such fiscal year required of such person.

(Sec. 109, 65 Stat. 22; 50 U.S. C. App. Sup.

Dated: August 17, 1955.

FRANK L. ROBERTS. Chairman.

[F. R. Doc. 55-6824; Filed, Aug. 22, 1955; 8:50 n. m.)

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B-Military Personnel [CGFR 55-31]

Part 40—Cadets of the Coast Guard

PHYSICAL REQUIREMENTS; PHYSICAL STAND-ARDS AND DISQUALIFICATIONS

By virtue of the authority contained in Title 14. United States Code, section 92, 182, 633 (sec. 1, 63 Stat. 503, 508, 545) the regulations in Part 40 are revised by amending § 40.26 and adding a new § 40.27 as follows:

1. Section 40.26 is amended to read as follows:

§ 40.26 Physical requirements. (a) All candidates for the Coast Guard Academy must meet the physical standards established herein under heading "Physical Standards and Disqualifications."

(b) Physical examinations are divided

into three categories:

(1) Preliminary physical examination;

(2) Formal physical examination; (3) Physical re-examination at the

time of reporting to the Academy.

(c) The physical standards outlined in the succeeding paragraphs although not all inclusive, cover general physical requirements which are necessary for an effective career in the Coast Guard. Conditions which are noted as disqualifying and make the applicant unacceptable fall in categories which may endanger the health of other personnel, require repeated admission to the sick list, cause prolonged hospitalization and early retirement for physical disability, or preclude an active general Service career.

(d) A preliminary physical examination record, Form CG-9530-A, executed by a doctor of medicine, is required to be submitted with application for cadetship. The preliminary physical examination report serves to rule out at this stage of the potential cadet's processing, those applicants who obviously will not meet the required physical standards for entrance into the Academy. Thoroughness in the execution of this preliminary physical examination record cannot be overemphasized. Inaccuracies in reporting on the physical status of the applicant result in unnecessary work to the Coast Guard and disappointment to the candidate at the time of formal physical examination, after qualifying in the academic and adaptability tests.

(e) Prior to formal physical examination, all applicants are required to execute Standard Form 89, Report of Medical History, furnishing a true account of all injuries, illnesses, operations and treatments since birth and present same to the examining medical officer. False statements or wilful omissions in executing Standard Form 89 may result in the separation of the candidate from the service on arrival at the Academy or

later in his service career.

(f) Formal physical examinations prior to acceptance of candidates, must be performed by a U.S. Public Health

² This affects §§ 1470.3 and 1467.4 (d).

Service, Navy, Army, Air Force or Veterans Administration medical officer. All candidates are instructed where to report for such examinations. The results of this formal physical examination must be reported on Standard Form 88, Report of Medical Examination.

(g) The medical officer, prior to the physical examination, will review the data furnished by the candidate on Standard Form 89 as to completeness of the medical history submitted and will then complete item 40, Standard Form 89, and sign same.

Maximum____

2. New § 40.27 is added and read as follows:

§ 40.27 Physical standards and disqualifications—(a) Physical propor-

64

112 160

tions. 'The applicant's weight should be well distributed and in proportion to age. height, and skeletal structure. Medical examiners will recommend rejection of individuals who show poor physical development, who appear to be undesirable candidates because of excess fat, or show a definite tendency to obesity regardless of height and weight table ratio. The following tables are for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of all of which will determine the candidate's physical eligibility. The applicant's height should be measured in inches to the nearest ½-inch without shoes, and weight measured to the nearest pound without clothes.

1		l		68										
	- 65	66	67	68	69	70	71	72	73	74	75	76	77	78
	116 165	120 170	124 175	128 181	132 186	136 192	140 197	144 203	148 209	152 214	156 219	160 225	164 230	168 235

Minimum height—64 inches. Maximum height—78 inches. Minimum chest expansion—2 inches.

- (b) The head, scalp, face and neck. The following conditions are causes for rejection:
 - (1) Tinea in any form.
- (2) All benign tumors which are of sufficient size to interfere with the wearing of military headgear, or subject to chronic irritation.
- (3) Imperfect ossification of the cranial bones or persistence of the anterior fontanelle.
- (4) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.
- (5) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.
- (6) Deformities of the skull which would prevent the wearing of military headgear.
 - (7) Hernia of the brain.
- (8) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.
- (9) Unsightly deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical develop-
- (10) Persistent neuralgia, tic douloureax, or paralysis of central nervous origin.
- (11) Ununited fractures of the maxillary bones, deformities of either maxillary bone interfering with mastication orspeech, extensive exostosis, necrosis, or osseous cysts.
- (12) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.
- (13) Malignancy or substantiated history thereof, unless successfully removed five or more years previously.
- (14) Cervical adenitis of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, syphilis, etc.

- (15) Adherent or disfiguring scars from disease, injuries or burns.
- (16) Thyroid adenoma interfering with breathing or with the wearing of clothing; exophthalmic goiter or thyroid enlargement from any cause associated with toxic symptoms or which is disfiguring.
- (17) Torticollis. (18) Tracheal openings, thyroglossal or cervical fistulae.
- (19) Restricted motility sufficient to limit the normal range of motion.
- (20) Cervical rib when symptomatic; scalenus anticus syndrome.
- (c) The nose and sinuses. The following conditions are causes for rejection:
- (1) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.
- (2) Perforated nasal septum if considered causative of symptoms or local pathology, or likely to do so.
- (3) Nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, and particularly if sufficient to produce mouth breathing.
- (4) Hay fever if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis.
 - (5) Atrophic rhinitis.
- (6) Chronic sinusitis, if more than mild, and if not amenable to therapy.
- (d) The mouth and throat. The following conditions are causes for rejection:
- (1) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilation of the lips from wounds, burns, or disease.
- (2) Malformation, partial loss, atrophy or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, pro-vided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.
- (3) Malignant tumors of the tongue. or benign tumors that interfere with its function.

- (4) Marked stomatitis, or ulcerations, or severe leukoplakia.
- (5) Ranula if at all extensive, or salivary fistula.
- (6) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.
- (7) Malformations or deformities of the pharynx of sufficient degree to interfere with function.
- (8) Postnasal adenoids interfering with respiration or associated with middle-ear disease.
- (9) Marked enlargement of the tonsils or markedly diseased tonsils.
- (10) Laryngitis if not amenable to therapy or recurrent.
- (11) Paralysis of the vocal cords, or aphonia.
- (e) The ears and hearing. The following conditions are causes for rejec-
- (1) The total loss of an external ear. marked hypertrophy or atrophy, or disfiguring deformity of the organ.
- (2) Atresia of the external auditory canal, or tumors of this part.
- (3) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.
 - (4) Mastoiditis, acute or chronic.
- (5) Existing perforation of either membrana tympani.
 - (6) Deafness of one or both ears.
- (7) Any diminution of auditory acuity in either ear, below 15/15 by whispered voice. If any question of diminuted auditory acuity arises on whispered voice test an audiometric determination should be made. Loss of hearing as determined by the audiometer must not be greater than 15 decibels in any of the frequencies 500 - 1000 - 2000 - nor greater than 30 decibels in either of the frequencies 4000 or 5000. If hearing loss ascertained is not considered completely stabilized, candidate should be rejected.
- (8) Any acute or chronic disease of the external, middle, or internal ear.
- (f) Eyes and vision. (1) For enrollment in the U.S. Coast Guard Academy a minimum visual acuity of 20/20 each eye is required. No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into the U.S. Coast Guard Academy unless medically indicated.
- (2) Disease of the eye grounds shall be cause for rejection.
 - (3) Contraction of visual field.
 (4) Both eyes must be free from any
- disfiguring or incapacitating abnormality and from acute or chronic disease.
- (5) Any cadet in the U.S. Coast Guard Academy whose vision has dropped below 20/40, correctible to 20/20 in each eye, shall be reported upon by a Board of Medical Survey.
- (6) The requirement as given above is considered necessary in order to graduate cadets with vision sufficiently serviceable to enable them to carry out their duties at sea. During late adolescence it is quite common for developmental myopia to become manifest to such an extent that the resulting myopic visual

defect is sufficient to disqualify the cadet. It is therefore imperative that a careful examination for visual acuity be performed.

(7) The following conditions are causes for rejection:

(i) Trachoma.

- (ii) Chronic conjunctivitis, or xerophthalmia.
- (iii) Pterygium encroaching upon the
- (iv) Complete or extensive destruction of the eyelid, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.
- (v) Inversion or eversion of the eyelids, or lagophthalmus.

(vi) Trichiasis, blepharoptosis, spasm, or chronic blepharitis.

(vii) Epiphora, corneal dystrophy, chronic dacryocystitis, or lachrymal fis-

tula. (viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard and any corneal dystrophy.

(ix) Irregularities in the form of the ms, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.

(x) Opacities of the lens or its cansule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.

coloboma of the (xi) Extensive choroid of iris, absence of pigment (albino) glaucoma, iritis, or history of recurrent iritis, extensive or progressive choroiditis of any degree.

(xii) Any retinopathy or detachment of the retina, neuroretinitis, optic neuritis, choreoretinopathy, or atrophy of the optic nerve.

(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.

(XIV) Pronounced nystagmus, strabismus, or lack of continuous and complete third degree binocular fusion.

(xv) Diplopia, or night blindness. (xvi) Abnormal condition of the eye due to disease of the brain.

(xvii) Malignant tumors of the lids or eyeballs.

(xviii) Asthenopia.

(xix) Any organic disease of either eye.

(xx) Ocular foreign bodies.

(8) Color perception.

- (i) Color blindness, complete or partial, is cause for rejection. Color perception will be tested by the color plate test as set forth in the American Optical Test Book, 1940 Edition, or the Farnsworth Lantern Test. Candidates who fail to pass the American Optical Company pseudoisochromatic plate test shall be considered qualified if they pass the Farnsworth Lantern test. The results obtained with the Farnsworth Lantern test shall be considered final in the resolution of all cases of questionable color perception.
- (ii) Detailed instruction for the administration of the Farnsworth Lantern test, as well as the criteria for passing the test, are engraved on a metal plate which is permanently attached to the instrument and shall be followed without exception. The results of the test shall

be recorded in item 64, Report of Medical Examination as "Passed Falant" or "Failed FaLant."

(iii) Candidates who failed the American Optical Company pseudo-isochromatic plate test at places where the Farnsworth Lantern test is not available may be given a re-examination on the Farnsworth Lantern test at places where same is available. The cost of travel to and from the place of re-examination and subsistence must be borne by the applicant.

(iv) The standard requirement for color perception will be ability to pass the abbreviated test with not more than three errors.

(g) Lungs and chest. The following conditions are causes for rejection:

(1) 'A chest expansion of less than 2 inches.

(2) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory function to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(3) Pronounced contractions or markedly limited mobility of the chest wall following pleurisy or empyema.

(4) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(5) Absence or faulty development of the clavicle.

(6) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment; ununited fractures, or partial or complete dislocation of either end of the clavicle.

(7) Suppurative periostitis or carles or necrosis of the ribs, the sternum, the

clavicles or the scapulae.

(8) Old fractures of the ribs with faulty union, if interfering with function.

(9) Malignant tumors of the breast or chest walls or substantiated history of same, unless successfully treated five or more years previously in the absence of disqualifying residuals.

(10) Benign tumors or cysts of the breast or chest wall which are so large as to interfere with the wearing of a uniform or equipment.

(11) Unhealed sinuses of the chest

wall. (12) Scars of old operations for empyema unless the examiner is assured that the respiratory function is entirely normal.

(13) Active tuberculosis of any degree or extent.

(14) A history of tuberculosis clinically active within the preceeding 5 years.

(15) A substantiated history of, or X-ray findings of, tuberculosis of more than minimal extent, at any time.

(16) Pleurisy with effusion of undetermined origin or history hereof.

(17) Recurrent spontaneous pneumothorax within the preceeding 3 years.

(18) Pneumoconiosis, extensive pulmonary fibrosis or pulmonary emphysema.

(19) Acute or chronic pleurisy or empyema.

(20) Pneumothorax, hydrothorax, or hemothorax.

(21) Tumors of the lung, pleura or mediastinum.

(22) Chronic bronchitis if more than mild or if mild and does not respond to therapy.

(23) Bronchiectasis.

(24) Asthma or a history of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures since six or seven years of age and provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy.

(25) Abscess of the lung.

(26) Pulmonary infiltration of undetermined origin.

(27) Cystic disease of the lung.

- (28) Actinomycosis, nocardiosis, blastomycosis, coccidioidomycosis, aspergilllosis or histoplasmosis if there is reason to suspect recent activity of the disease process.
 - (29) Sarcoidosis.

(30) Hydatid or echinecoccus cysts of the lung.

(31) Foreign body in the lung or mediastinum causing symptoms, or active inflammatory reaction.

(32) History of pneumonectomy or lobectomy.

(33) Disqualifying defects demonstrable by a roentgenographic examination of the chest, such as:

(i) Evidence of reinfection (adult) type tuberculosis, active or mactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(ii) Evidence of active primary (childhood) type tuberculosis.

(iii) Extensive calcification of the pleura, lung parenchyma or hilum, if of questionable stability or of such size and extent as to interfere with pulmonary function.

(iv) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

(h) Heart and vascular system. The following conditions are causes for rejection: ,

(1) All diastolic murmurs.

(2) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla. and when not abolished nor significantly diminished in intensity by forced breathing.

(3) Harsh systolic murmurs, heard at aortic area, even of less than moderate intensity with diminished or absent second sound.

(4) All organic valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(5) Hypertrophy or dilation of the heart.

(6) History of angina pectoris, coronary occlusion, or coronary arterio-

sclerosis. (7) A heart rate of 100 or over, or of

50 or under, when these are proved to be persistent in the recumbent posture and on observation and reexamination over a sufficient period of time or when the electrocardiograph is abnormal.

(8) Marked cardiac arrhythmia or irregularity unless due to sinus arrhythmia or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(9) Arteriosclerosis.

- (10) Arterial hypertension, essential hypertension (hypertensive vascular disease) The diagnosis of essential hypertension, especially in the earlier phases when blood pressure is still variable, requires judgment tempered by experience and with evaluation of any family history of hypertension, the vascular reaction special tests, and repeated blood pressure and pulse rate determinations. In general, a persistent systolic blood pressure above 140, or a persistent diastolic blood pressure above 90, is cause for rejection, particularly if associated with a labile pulse rate or evidence of vasomotor lability, or with positive family history of hypertensive vascular disease (sitting blood pressure values) The objective is to disqualify those applicants who are most likely to develop severe and incapacitating hypertension within a relatively short time. Generally, youthful applicants with a healthy vascular system are to be considered qualified even though blood pressure values sometimes exceed the standard.
- (11) Aneurysm of any variety in any situation.
 - (12) Intermittent claudication.

(13) Peripheral vascular disease including Raynaud's disease, Buerger's disease (thromboangitis obliterans) erythromelalgia, arteriosclerotic and diabetic vascular disease. Special test will be employed in doubtful cases.

(14) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved

vein or veins.

- (15) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.
- (16) Arterial hypertension if it is causing, or has caused, symptoms.
- (17) Varicose venns if large, or if associated with edema or with skin ulceration.
- (i) Abdomen and viscera, anus and rectum. The following conditions are causes for rejection:
- (1) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal wall sufficient to interfere with function.
- (2) Fistulae or sinuses from visceral or other lesions or following operation.
- (3) Herma of any variety.
- (4) Large tumors of the abdominal wall.
- (5) Scar pain, if severe or causing persistent or recurring complaints.
- (6) Chronic diseases of the stomach or intestine or a history thereof, including such diseases as peptic ulcer, regional ileitis, ulcerative colitis and diverticulitis.
- (7) Gastric resection, resection of peptic ulcer, gastroenterostomy, or bowel resection.
 - (8) Chronic appendicitis.
 - (9) Ptosis of the stomach or intestines.

- (10) Acute or chronic disease of the liver, gall bladder, pancreas, or spleen.
- (11) Chronic peritonitis or peritoneal adhesions.
- (12) Chronic enlargement of the liver. (13) Chronic enlargement of the
- spleen.
 (14) Jaundice or substantiated his-
- tory of recurrent jaundice.
 (15) Splenectomy for any cause other
- than trauma.
 (16) Proctitis, stricture or prolapse of the rectum.
- (17) Fissure of the anus or pruritus
- (18) Fistula in ano or ischiorectal abscess.
- (19) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.
 - (20) Incontinence of feces.
 - (21) Amoebiasis; uncinariasis.
- (j) Endocrine system and metabolism. The following conditions are causes for rejection:
- (1) Toxic goiter and thyroid adenoma.
 (2) Cretinism; hypothyroidism; myxedema, spontaneous or post-operative (with clinical manifestations and diagnosis not based solely on low basal metabolic rate)
- ...(3) Gigantism or acromegaly diabetes insipidus, Simmonds' disease; Cushing's syndrome, other diseases because of a disorder of the pituitary gland.

(4) Frohlich's syndrome.

(5) Hyperparathyroidism and hypoparathyroidism when the diagnosis is supported by adequate laboratory studies.

(6) Addison's disease.

- (7) Diabetes mellitus; if urmalysis shows a positive test for sugar, a fasting blood sugar is required and if determination is borderline a glucose tolerance test will be obtained.
- (8) Nutritional deficiency diseases (including sprue, beriberi, pellagra and scurvy) which are severe or not readily remediable or in which permanent pathological changes have been established.
 - (9) Gout

(10) Hyperinsulinism when established by adequate investigation.

(k) Genito-urmary system. (1) All candidates for the U. S. Coast Guard Academy shall receive a serologic test for syphilis and a urnalysis. These tests shall be conducted at the time of the formal physical examination.

(i) When albumin, casts, hemoglobin, or red blood calls are found in the urine, the applicant shall not be accepted unless further study proves such findings to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin or casts are constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection: but if albuminuria or casts are present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(ii) If glucose is found in the urine, further observation is indicated and other tests to demonstrate the possible existence of diabetes should be employed. Blood sugar values and blood sugar tolerance tests must be normal if such an applicant is to be found qualified.

(iii) When the specific gravity of the specimen first examined is under 1.010, further observation of the applicant and repeated complete urinary examinations

are indicated.

- (iv) A negative serological test will be accepted as satisfactory evidence of freedom from syphilis in the absence of a history of previous treatment for, or clinical signs of syphilis. When the serological test for syphilis is positive, the possibility of a false positive test should be considered. In view of the possibility of error in such a test the candidate will be given the opportunity of a reexamination. A repeated positive serological test, in the absence of a history of syphilis, will be cause for rejection.
- (2) The following conditions are causes for rejection:
- (i) Acute or chronic nephritis, diabetes, mellitus or insipidus, or glycosuria if accompanied by abnormal response to blood sugar tests.

(ii) Blood, pus, or albumin in the

urine, if persistent.

(iii) Floating kidney, hydronephrosis, pylonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney, horse-shoe kidney, or double uretor.

(iv) Acute or chronic cystitis.

- (v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine.
- (vi) Hypertrophy, abscess, or chronic infection of the prostate gland.
- (vii) Urethral stricture or urinary fistula.
- (viii) Epispadias or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms or irritation.
- (ix) Phimosis when prepuce is adherent in whole or in part to the glands.
 - (x) Hermaphroditism.
 - (xi) Amputation of the penis.
- (xii) Varicocele, if large and painful, or hydrocele.
- (xiii) Atrophy of both testicles or loss of both.
- (xiv) Undescended testicle (acceptable if unilateral, abdominal and unassociated with hernia), infantile genital organs.
- (xv) Chronic orchitis or epididymitis.(xvi) A persistently positive serologic test for syphilis.
- (xvii) Syphilis in any stage, or a clearly defined history thereof.
- (xviii) Any active venereal infection, acute or chronic, or any active infectious process resulting therefrom.
 - (xix) Reiter's disease.
- (1) The extremities. The following conditions are causes for rejection:
- (1) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce

function.

(2) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(3) Benign tumors if sufficiently large to interfere with function.

- (4) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.
- (5) Reduced dislocation or united fractures with incomplete restoration of function; substantiated history of recurrent dislocations of major joints.
- (6) Amputation of any portion of a limb (except fingers or toes if there is no interference with military activities), or resection of a joint.
- (7) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.
 - (8) Severe sprains.
- (9) Disease of the bones or joints; active osteomyelitis; history of an attack of hematogenous osteomyelitis; recurrent attacks or osteomyelitis; sequestrum demonstratable on x-ray or a substantiated history of a single attack of osteomyelitis, except when treated successfully three or more years previously without subsequent recurrent or disqualifying sequelae.
- (10) Chronic synovitis; torn cartilage; osteochonditis dessicans; or other internal derangement in a joint (particularly of knee joint with history of disability).
- (11) Varicose veins in an extremity when they cover a large area; are markedly tortuous or much dilated, or are associated with edema or are accompanied by subjective symptoms.
- (12) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations; chronic edema of a limb.
- (13) Chronic or obstinate neuraligias, particularly sciatic neuritis.
- (14) Adherent or united finger (web fingers)
- (15) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.
- (16) (i) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts, if sufficient to interfere with proper execution of duties.
 - (ii) Entire loss of any finger.
- (iii) Mutilation of either thumb to such an extent as to produce material loss of apposition or strength of the member.
- (iv) Loss of more than one phalanx of the right index finger,
- (v) Loss of the terminal and middle phalanges of any two fingers on the same hand.
- (17) Perceptible lameness or limping. (18) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present; bowlegs if so marked as to produce notice-

noticeable deformity or interfere with able deformity when the applicant is dressed.

(19) (i) Clubfoot unless the defect is so slight as to produce no symptoms.

(ii) Pes cabus if extreme and causing symptoms.

(iii) Flatfoot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flatfoot attended with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms.

(20) Loss of either great toe or loss of any two toes on the same foot.

(21) Overriding or super position of any of the toes to such a degree as will produce pain.

(22) Ingrowing toenails when marked

or painful.

(23) (i) Hallux valgus, particularly congenital type or when accompanied by bunion.

(ii) Bunions sufficiently pronounced to interfere with function.

(iii) Hammertoes when existing to such a degree as to interfere with function when wearing shoes.

(iv) Corns or calluses on the sole of the foot when they are tender or painful. (24) (i) Hyperidrosis or bromidrosis

when present to a marked degree. (ii) Habitually sodden feet with blis-

tered skin. (iii) Unusually large or deformed feet for which proper shoes cannot be readily

obtained. (25) Severe fungoid infection of nail-

beds. (m) The spine and other musculoskeletal. The following conditions are

causes for rejection: (1) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely

to do so. (2) Curvature of the spine of such degree that function is interfered with or is likely to be interfered with, or in which there is noticeable deformity when the applicant is dressed (scoliosis,

kyphosis, or lordosis).

(3) Fracture or dislocation of the verteorae.

(4) Vertebral caries (Pott's disease) (5) Abscess of the spinal columnor its

vicinity acute or chronic osteomyelitis. (6) Osteo-arthritis of the spinal

column, partial or complete.

(7) Coccydynia; spina bifida manifesta; spondylolisthesis; cervical rib.

(8) Active arthritic processes from any cause.

- (9) Hermation of intervertebral disc (nucleus pulposus) or history of operation for this condition.
- (10) Malformation and deformities of the pelvis sufficient to interfere with function.
- (11) Disease of the sacroiliac and lumbo-sacral joints which is chronic in nature, associated with pain referred to legs, muscular spasm, postural deformities, and/or limitation of motion in the region of the lumbar spine.
- (12) History of chronic or recurrent low back pain.

(n) Skim. The following conditions are causes for rejection:

(1) Eczema of long standing or which is resistant to treatment; allergic dermatosis, if severe.

(2) Chronic impetigo; sycosis; carbuncle; acne upon face or neck which is so pronounced as to be definitely unsightly.

(3) Actinomycosis; dermatitis herpetiformis; mycosis fungoides.

- (4) Extensive psoriasis, ichtyosis: chronic lichen planus.
 - (5) Elephantiasis.
- (6) Scables; pediculosis (if indicative of unhygienic habits).

(7) Ulcerations of the skin not amenable to treatment, or those of long standing or of considerable extent, or of syphilitic or malignant origin.

(8) Extensive, deep, or adherent scars that interfere with muscular movements, or that show a tendency to break down

and ulcerate. (9) Naevi and other erectile tumors if

extensive, disfiguring or exposed to constant pressure.

(10) Obscene, offensive, or indecent tattooing

(11) Pilonidal cyst or sinus if evidenced by presence of readily palpable tumor mass or if there is a history of inflamation or of purulent discharge.

(12) Lupus vulgaris; other tuberculous skin lesions.

(13) Lupus erythematosus, discoid or generalized; scleroderma.

(14) Epidermolysis bullosa; pemphigus.

(15) Planter warts on weight-bearing areas.

(16) Cysts and benign tumors of such a size and/or location as to interfere with the normal wearing of military equipment.

(17) Any other chronic skin disease of a degree which renders the individual unfit for military duty or so disfiguring as to render it difficult for the individual to adjust to the ordinary social relationships.

(o) The nervous system. The following conditions are causes for rejection:

(1) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis).

- (2) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arteriosclerosis)
- (3) Residuals of infection (moderate and severa residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitis syndromes, Sydenham's chorea)
- (4) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis)
- (5) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves)
- (6) Paroxysmal convulsive disorders and disturbances of consciousness

(grand mal, petit mal, and psychomotor attacks, syncope narcolepsy, migraine).

- (7) Miscellaneous disorders (tics. spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocele even if uncomplicated, Memere's disease)
- (p) Psychiatric and personality deviations. The following conditions are causes for rejection:
- (1) Psychotic disorders or a substantiated history of psychotic episode.

(2) Psychoneurotic reactions which

have been incapacitating.

- (3) Character and behavior disorders which have prevented a good adjustment with particular reference to antisocial tendencies, sexual deviation, chronic alcoholism or drug addiction.
 - (4) Immaturity reactions. (5) Disorders of intelligence.
- (q) Teeth. (1) All candidates shall be given a Type 2 dental examination (mouth mirror and explorer examination; adequate natural or artificial light, posterior bite-wing roentgenograms, when indicated) by a dentist at the time of physical reexamination and, if practicable, at formal physical examination, report of which shall be recorded under item 44, Standard Form 88, Report of Medical Examination.
- (2) Candidates shall not be accepted unless they have a minimum of 20 serviceable permanent teeth, including 6 masticating teeth (bicuspids and molars) above and 6 below, and also 4 serviceable incisor teeth (incisors and cuspids) above and 4 below. All of these teeth must be serviceably opposed by serviceable natural teeth or by bridges or partial dentures that are well designed and in good condition. Candidates must have received all required dental treatment including permanent restorations of teeth affected by dental caries except minor or questionable carious areas prior to acceptance.
- (3) When third molar teeth have not erupted and are shown by x-ray examination to be present and in normal erupting position they may be counted as serviceable teeth in the event candidates do not otherwise meet the minimum requirement of 20 serviceable permanent teeth.

(4) Candidates will not be accepted who have teeth which have not been replaced and which result in unsightly

spaces.

(5) Any deviation from normal occlusion should be minor and good functional occlusion as well as absence of interference with speech must be demonstrable.

- (6) Teeth must be free from extensive dental caries, restorations must be of high quality and peridontal tissues must be free from disease.
 - (7) Explanation of standards:
- (i) (a) A serviceable tooth is one which is free from disease, or if carrous, can be restored satisfactorily without endangering the pulp; is adequately supported by normal tissue; does not have a faulty restoration or faulty bridge attachment; is not elongated or otherwise

malformed so as to preclude being brought into serviceable occlusion with natural or artificial teeth, and is fully effective functionally.

(b) Crowned teeth may be counted as serviceable only when they appear to be in good condition supported by healthy tissue:

(c) An abutment tooth (natural tooth to which a bridge is attached) may be counted as serviceable only when the tooth is sound, supported by healthy tissue, is in functional occlusion and the bridge attachment is well designed and in good occlusion.

(ii) An opposed tooth is one that comes into functional contact with one or more

teeth of the opposite arch.

The following conditions are causes for rejection:

(i) The loss of teeth in excess of the foregoing standards noted.

- (ii) Edentulous spaces in the dental arch causing wide separation of the continuity of the incising and masticating surfaces.
 - (iii) Marked malocclusion.
 - (iv) Lack of serviceable occlusion.
- (v) Marked protrusion or retrusion of the mandible.
- (vi) Impingement of teeth of one jaw upon gingiva of opposing jaw.
- (vii) Marked deformity of the maxillae or mandible.

(viii) Dento-facial deformity.

- (ix) Numerous or wide spaces that are edentulous.
- (x) Extensive or numerous unsatisfactory restorations by fillings, inlays, crowns, bridges or dentures.
- (xi) Teeth generally unserviceable because of insufficient size or faulty calcification.
- (xii) Teeth generally involved with caries.
- (xiii) Pulpless teeth with defective or no pulp canal fillings. (xiv) Teeth carious beyond restora-
- tion. (xv) Advanced or extensive peridontoclasia.
- (xvi) Infectious disease of the soft tissues, including Vincent's stomatitis.
- (xvii) Syphilitic lesions, malignant tumors, benign tumors or cysts, which require treatment or may require treatment in the forseeable future.

(xviii) Perforations from the 'oral cavity into the nasal cavity or maxillary sinus.

- (r) Miscellaneous conditions. The following miscellaneous conditions are causes for rejection:
- (1) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.
- (2) Stuttering or other impediment of speech.
- (3) Deficient muscular development or deficient nutrition.
- (4) Evidences of physical characteristics of congenital asthenia, such as slender bones, a weak ill-developed thorax, nephroptosis, gastroptosis, con-stipation, and "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.
- (5) All acute communicable diseases.

(6) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis, leprosy actinomycosis; rheumatoid arthritis, osteomyelitis; malignant disease of any kind in any location or substantiated history of same unless successfully treated five or more years previously, hemophilia; purpura, leukemia of all types; pernicious anemia; sickle cell anemia, trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months. of date of examination, or the finding of micro-filaria in the blood stream, chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

Conditions not enumerated or combinations of conditions which, in the opinion of the medical examiner, will not permit a full productive military career. should be recorded in detail with appropriate recommendations.

If all defects present are recorded on Standard Form 88 and the medical exammer considers all defects in final determination as to qualification of candidate, the Commandant's acceptance or rejection of candidates will be simplified.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

Dated: August 5, 1955.

[SEAL] H. CHAPMAN ROSE. Acting Secretary of the Treasury.

[F. R. Doc. 55-6815; Flied, Aug. 22, 1955; 8:48 a. m.1

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

[Circular No. 1920]

PART 186-MULTIPLE DEVELOPMENT OF MINERAL DEPOSITS UNDER THE MINING AND MINERAL LEASING LAWS

A new Part 186 is added, reading as follows:

Sec. 186.1

Purpose and authority.

186.2 Validation of certain mining claims, Preference mining locations.

186.4 Additional evidence required with application for patent.

Reservation to United States of
Leasing Act minerals. 186.5

186.6 Mining claims and millsites located on Leasing Act lands after August 13, 1954.

Sec. 186.7 Acquisition of Leasing Act minerals in lands covered by mining claims and millsites.

Procedure to determine claims to Leasing Act minerals under un-186.8 patented mining locations.

Recordation of notice of application, 186.9 offer, permit or lease.

186.10 Request for publication of notice of Leasing Act filing; supporting instruments.

Publication of request. 186.11

Contents of published notice. 186.12

Mailing of copies of published no-186.13 tice.

Service of copies; failure to comply. 186.14 Proof of publication. 186.15

Failure of mining claimant to file 186.16 verified statement.

Hearing-time and place. 186.17 Stipulation between parties. 186.18

186.19

Hearing; procedure. Effect of decision affirming a mining claimant's rights.

186.21 Recording by mining claimant of request for copy of notice. 186.22 Relinquishment by mining claimant

of Leasing Act minerals. 186.23 Helium Reserves Nos. 1 and 2; con-

ditions of opening to mining loca-tions and mineral leasing. 186.24 Fissionable source materials; elimi-

nation of reservation in patents, 186.25 Elimination of fissionable source

materials reservation. 186.26 Mining locations for source materials. fissionable

AUTHORITY: §§ 186.1 to 186.26 issued under R. S. 2478, as amended, 68 Stat. 708; 43 U. S. C. 1201, 30 U. S. C. 521.

CROSS REFERENCES; Act of August 12, 1953 (67 Stat. 539, 30 U. S. C. 501-503); validating certain mining claims located subsequent to July 31, 1939, and prior to January 1, 1953; July 31, 1939, and prior to January 1, 1933; Atomic Energy Act of August 1, 1946 (60 Stat. 755, 42 U. S. C. 1801), as amended; act of October 20, 1914 (38 Stat. 741, 48 U. S. C. 432); acts of February 25, 1920 (41 Stat. 437, 30 U. S. C. 22, 48, 181), April 17, 1926 (44 Stat. 301, 30 U. S. C. 271-273), and February 7, 1927 (44 Stat. 1057, 30 U. S. C. 281-283), and state the semendatory of and supplement and all acts amendatory of and supplementary thereto known as the Mineral Leasing Acts. See 43 CFR Parts 191 to 196, inclusive, 198, and other appropriate sections of the regulations; also 30 U. S. C. sec. 22, U. S. Mining Laws—43 CFR Part 185.

§ 186.1 Purposes and authority. The act of August 13, 1954 (68 Stat. 708, 30 U. S. C. 521 et seq.) was enacted "To amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of public lands, and for other purposes." The regulations in this part are intended to implement only those sections of said act, hereinafter more fully identified, which require action by the Department of the Interior or its agencies. The expression "act" when used in this part, means the act of August 13, 1954 (68 Stat. 708) The expression "Leasing Stat. 708) 'Act," when used in this part, refers to the "mineral leasing laws" as defined in section 11 of the act of August 13, 1954 (68 Stat. 708)

§ 186.2 Validation of certain mining claims. The act in section 1 (a) pro-yides as follows:

That (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to

February 10, 1954, on lands of the United States, which at the time of location were-

(1) Included in a permit or lease issued under the mineral leasing laws; or

(2) Covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) Known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: Provided, however That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for rec-ord, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: And provided further, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this act,2 must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act, and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for

§ 186.3 Preference mining locations. The act in section 3 (a) and (b) provides as follows:

(a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium leace application or of any uranium leace shall have, for a period of one hundred and twenty days after the date of enactment of this act,2 as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending. uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium leace application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in

the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such lessing of a notice of less application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 CFR 60.7 (c)) provided there shall have been timely compliance with the other provisions of said companies with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the explication of this section 3 shall terminate of the explication of the exp nate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a with-drawal of cald application or a release of cald lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

§ 186.4 Additional evidence required with application for patent. All questions between mining claimants asserting conflicting rights of possession under mining claims, must be adjudicated in the courts. Any applicant for mineral patent, who claims benefits under sections 1 or 3 of this act, or the act of August 12, 1953, supra, in addition to matters required in Part 185 of this Title, must file with his Application for Patent a certified copy of each instrument required to have been recorded as to his mining claim in order to entitle it to such benefits unless an Abstract of Title or Certificate of Title filed with the Application for Patent shall set forth said instruments in full. If a mining claim was located on or after the date of this act a statement must be filed showing that on the date of location the lands affected were not covered by a uranium lease or an application for a uranium lease. The applicant must also file a copy of the notice required to be posted on the claim and state in his application. that such notice was duly posted in accordance with the requirements of the act.

§ 186.5 Reservation to United States of Leasing Act minerals. Section 4 of the act provides that:

Every mining claim or milisite-

(1) Heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three cections of this Act; or

(2) Located under the mining laws of the United States after the effective date of passage of this act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purpoces, and whenever reasonably necessary,

Not later than December 10, 1953.

²Not later than December 11, 1954.

Section 6 of the act defines rights and obligations where the same lands are being used for mining operations and Leasing Act operations.

for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were

(a) Included in a permit or lease issued

under the mineral leasing laws; or

(b) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws.

§ 186.6 Mining claims and millsites located on Leasing Act lands after August 13, 1954. Since enactment of the act on August 13, 1954, and subject to its conditions and provisions, including the reservation of Leasing Act minerals to the United States as provided in section 4, mining claims and millsites may be located under the mining laws of the United States on lands of the United States which at the time of location

(a) Included in a permit or lease issued under the mineral leasing laws; or

(b). Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) Known to be valuable for minerals subject to disposition under the mineral leasing laws:

to'the same extent in all respects as if such lands were not so included or covered or known.

§ 186.7 Acquisition of Leasing Act minerals in lands covered by mining claims and millsites. The Leasing Act minerals in lands covered by mining claims and millsites located after the date of the act or validated pursuant to the act may be acquired under the mineral leasing laws, upon appropriate application therefor being filed prior to the issuance of patent to such mining claims or millsites, or after the issuance of patent, if the patent contains a reservation of Leasing Act minerals to the United States as provided in section 4 of the act.

§.186.8 Procedure to determine claims to Leasing Act minerals under unpatented mining locations. Section 7 of the act provides a procedure whereby a Leasing Act applicant, offeror, permittee or lessee may have determined the existence and validity of claims to Leasing Act minerals asserted under unpatented mining locations made prior to August 13, 1954, affecting lands embraced within such application, offer, permit or lease. This procedure is described in the succeeding \$\$ 186.9 to 186.20, inclusive, and involves the prior recording of notice of such application, offer, permit or lease and the filing of a request for publication of notice of the same as provided in §§ 186.9 and 186.10.

§ 186.9 Recordation of notice of application offer, permit or lease. (a) Not less than 90 days prior to the filing of such request for publication, there must have been filed for record in the county office of record for each county in which lands covered thereby are situated, a notice of the filing of the application or offer, or of the issuance of the permit or lease, upon which said request for publication is based. Such notice must set forth the date of the filing of such application or offer or of the issuance of such permit or lease, the name and address of the applicant, offeror, permittee or lessee, and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace such lands, or, if such lands are unsurveyed, either which event, the affidavit or affidavits the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or a tie by courses and distances to an approved United States mineral monument.

(b) Such notice should conform to Form No. 1 and No. 1-A appended to the regulations in this part.

§ 186.10 Request for 'publication of notice of Leasing Act filing; supporting instruments. (a) Having complied with the requirement of § 186.9, the applicant, offeror, permittee or lessee may file a Request for Publication of notice of such party's application; offer, permit or lease. Such request for publication shall be filed in the Land Office of the Bureau of Land Management for the Land District in which the lands are situated. As to lands in States for which there are no Land Offices, any request for publication shall be filed with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D. C. No Request for Publication, or publication, may include lands in more than one Land District.

(b) Any Request for Publication should conform to Form No. 2 appended to the regulations in this part.

(c) The filing of a Request for Publication must be accompanied by the following:

(1) A certified copy of the Notice of Application, offer, in permit for lease recorded as required under § 186.9, setting forth the date of recordation thereof. The date of recordation shall be presumed to have been the date when the notice was filed for record pursuant to § 186.9, unless the certified copy of the notice shows otherwise or is accompanied by an affidavit of the person filing-the request for publication showing that the notice was filed for record on a date prior to the date of recordation.

(2) An affidavit or affidavits of a person or persons over 21 years of age, setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working

of the lands covered by such request or any part thereof. If no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, such affidavit or affidavits shall set forth such fact, any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, such affidavit or affidavits shall set forth the name and address of each such person unless the affiant shall have been unable, through reasonable inquiry, to obtain information as to the name and address of such person; in shall set forth fully the nature and the results of such inquiry.

(3) The certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to enactment of the Act on August 13, 1954, together with the address of such person if disclosed by such instruments of record. Such certificate shall conform to Form No. 3 appended to the regulations in this part:

§ 186.11 Publication of request. (a). Upon receipt of a Request for Publication and accompanying instruments, if all is found regular, the Manager, or the Director, as may be appropriate, at the expense of the requesting person (who prior to the commencement of publication must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of the application, offer, permit or lease to be published in a newspaper, to be designated by the Manager, or the Director, as may be appropriate, having general circulation in the county in which the lands involved are situated.

(b) If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semi-weekly or triweekly paper, in the issue of the same day of each week for 9 consecutive weeks.

§ 186.12 Contents of published notice. (a) The notice to be published as required by the preceding section, shall describe the lands covered by the application, offer, permit or lease in the same manner as is required under § 186.9. Such published notice shall notify whomever it may concern, that if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such Request for Publication was filed (which office shall be specified in such notice), and within 150 days from

⁴ This is inclusive of lands in petroleum reserves, except Naval petroleum reserves.

⁵ Any notices heretofore filed, which substantially comply to the requirements of the law, will be considered valid.

In this connection, the Land Office for North Dakota and South Dakota is: 10cated at Billings, Montana; that for Nebraska and Kansas, at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

the date of the first publication of such notice (which date shall be specified in such notice) a verified statement which shall set forth, as to such unpatented mining claim:

The date of location;

(2) The book and page of recordation of the notice or certificate of loca-

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location;

and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such minmg claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4-of the act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(b) Such published notice should conform to Form 4 appended to the regu-

lations in this part.

§ 186.13 Mailing of comes of published notice. Within fifteen days after the date of first publication, the person requesting such publication shall:

- (a) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by the affidavit or affidavits of examination of the land filed, as set forth in § 186.10;
- (b) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person who may, on or before the date of first publication, have filed for record, as to any lands described in the published notice, a Request for Notices, as provided in subsection (d) of section 7 of the act (see § 186.21)
- (c) Cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the certificate required to be filed under § 186.10, and
- (d) File in the office where the Request for Publication was filed an affidavit that copies have been delivered or mailed as herein specified. Notwithstanding the requirements in paragraphs

(a) (b) and (c) of this section, not in question, or part thereof, are located, more than one copy of such notice need be delivered or mailed to the same person.

§ 186.14 Service of copies; failure to comply. If any applicant, offeror, permittee or lessee requesting publication of notice under these regulations shall fail to comply with the requirements of section 7 (a) of the act as to a personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 186.15 Proof of publication. After the period of newspaper publication has expired, the person requesting publication shall obtain from the office of the newspaper of publication, a sworn statement that the notice was published at the time and in accordance with the requirements under these regulations of this part, and shall file such sworn statement in the office where the Request for Publication was filed.

§ 186.16 Failure of mining claimant to file verified statement. If any claimant under any unpatented mining claim located prior to enactment of the act on August 13, 1954, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (see §186.12), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in § 186.14:

(a) To constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and

(b) To constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act (see § 186.5), and

(c) To preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act minerals by reason of such mining claim.

§ 186.17 Hearing; time and place: If any verified statement shall be filed by a mining claimant as contemplated under § 186.12, then the Manager of the Land Office, or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. Such place of hearing shall be in the county where the lands

unless the mining claimant agrees other-

§ 186.18 Stipulation between parties. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 186.19 Hearing; procedure. procedures with respect to notice of such hearing and the conduct thereof, and in respect to appeals, shall follow the Rules of Practice of the Department of the Interior and the Bureau of Land Management (Part 221 of this title) relating to contests or protests affecting public lands of the United States.

§ 186.20 Effect of decision affirming a mining claimant's rights. If, pursuant to a hearing held as provided in the regulations of this part, the final deci-sion rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim as to Leasing Act minerals. then no subsequent proceedings under section 7 of the act and the regulations of this part shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

§ 186.21 Recording by mining claimant of request for copy of notice. (a) Section 7 (d) of the act provides that:

Any percon claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located patented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person accerts rights in Leasing Act minerals:

(1) The date of location; (2) The book and page of the recordation of the notice or certificate of location; and

(3) The section or sections of the public land surveys which embrace such mining claim; or, if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subjection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such

⁵ See footnote 5.

¹⁸ U.S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

^{*}See § 186.13 (b).

request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(b) Any request for a copy of notices recorded pursuant to the foregoing section 7 (d) of the act, should conform to Form No. 6, appended to the regulations in this part.⁵

§ 186.22 Relinquishment by mining claimant of Leasing Act minerals. Section 8 of the act provides that:

The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner, to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

§ 186.23 Helium Reserves Nos. 1 and 2; conditions of opening to mining location and mineral leasing. (a) Section 9 of the act provides that:

Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive Orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the FEDERAL REGISTER: And provided further That the Secretary may at any time as a condition to continued mineral operations require the entrymen, locator, permittee, or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

(b) No mining location made and no application for permit or lease filed as to Helium Reserve land prior to the time of opening specified in the notice of opening published in the Federal Register will confer any rights on the locator of applicant.

§ 186.24 Fissionable source materials; elimination of reservation in patents, etc. Section 10 (c) of the act in its amendment of section 5 (b) 7 of the Atomic Energy Act of 1946 (60 Stat. 755),

See footnote 5.

eliminated the requirement for a reservation of fissionable source materials in patents, conveyances, leases, permits or other authorizations as to public lands or their mineral resources granted by the United States after August 1, 1946, and provided that in cases where any patent, conveyance, lease, permit or other authorization has been issued which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit or other authorization without such reservation: The provisions of said section 10 (c) are reenacted in section 68 (c) of the Atomic Energy Act of 1954 (68 Stat. 921, 934)

Elimination of fissionable source materials reservation. (a) Any person who holds a patent, conveyance, lease, permit or other authorization issued by the Department of the Interior through the Bureau of Land Management, with a fissionable source material reservation to the United States pursuant to section 5 (b) 7 of the Atomic Energy Act of 1946, prior to its amendment above referred to, and who is desirous of having such reservation eliminated from the patent, conveyance, lease, permit or other authorization, must file an application therefor in the Land Office of the Bureau of Land Management for the Land District in which the lands involved are situate. As to lands in States for which there are no Land Offices, such application must be filed with the Director of the Bureau of Land Management, Washington 25, D. C.

(b) Such an application must set forth the name and address of the applicant, must fully identify the instrument from which elimination of such reservation is sought, by serial number, date, name of patentee, grantee, lessee, permittee or other designated recipient of authorization, and must set forth the description of the lands to which the application relates.

(c) If the application is for a new orsupplemental patent or other conveyance, the applicant must file with and in support of the application, an abstract of title certified by a duly authorized and licensed_abstractor of titles, or a certificate of title certified by a duly authorized and licensed title company, certified in either instance to a date inclusive of the date of the filing of such application and showing the applicant to be the holder and owner, as to the lands covered by the original patent, or conveyance. The successor to any original lease, permit or holder of other authorization is shown by the records of the Bureau of Land Management. Any new or supplemental patent, conveyance, lease, permit or other authorization, issued pursuant to such application, will be issued in the name of the applicant.

(d) If, as to any lands covered by a patent containing a fissionable source

material reservation, any rights have been granted by the United States pursuant to such reservation, then any new or supplemental patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

(e) An application for a new or supplemental lease, permit or other authorization, must be filed by the record holder and owner of such lease, permit or other authorization as shown by the records of the Bureau of Land Management.

(f) If the application (and supporting abstract of title or title certificate, where required) be found to comply with the regulations, in this part, the Manager of the Land Office, will:

(1) Where the application is for a new or supplemental patent or conveyance, transmit the application, including the supporting abstract or title certificate, to the Director of the Bureau of Land Management for appropriate section; or

-action; or

(2) Where the application is for a new or supplemental lease, permit or other authorization, forward to the applicant a supplement to and modification of the lease or permit or other authorization setting forth, that the fissionable source material reservation of the original lease, permit or other authorization is thereby eliminated from said original lease, permit or other authorization insofar as it relates to the land covered by the application. No execution by an applicant of a so-issued supplemental and modification instrument shall be required.

(g) Appropriate notation shall be made upon the records of the Land Office in which any application was filed of the issuance pursuant thereto of a new or supplemental patent, conveyance, lease, permit or other authorization.

§ 186.26 Mining locations for fissionable source materials. (a) In view of the amendment of section 5 (b) 7 of the Atomic Energy Act of 1946 by section 10 (c) of the act of August 13, 1954 (68 Stat. 708), and of the provisions of the Atomic Energy Act of 1954 (68 Stat. 921) it is clear that after enactment of said act of August 13, 1954, valid mining locations under the mining laws of the United States may be based upon a discovery of a mineral deposit which is a fissionable source material.

(b) As to mining locations made prior to the enactment of said act of August 13, 1954, section 10 (d) of the act provides:

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly see, 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly see. 3 thereof, any mining claim, heretofore located under the mining laws of the United States for or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral

See footnote.6.

deposit other than a fissionable source material. CLARENCE A. DAVIS,

Acting Secretary of the Interior AUGUST 16, 1955.

Form No. 1 (see § 186.9)

NOTICE OF FILING OF *APPLICATION, *OFFER

To whomever it may concern:

Notice is hereby given:

..., the under-1. That on _ (Date) signed *applicant, *offeror __

.__ filed whose address is in the Land Office of the Bureau of Land Management, Department of the Interior, at an *application, *offer

(Place) -- *prospecting permit, for ___ (Kind)

*lease under and pursuant to the mineral leasing laws as defined in Section 11 of the Act of August 13, 1954 (68 Stat. 708) (designated in said Land Office as Serial ___ and
2. That said *application, *offer covers

lands in the County of State of ______, described as follows, to wit: Township _____, Range _, Range ___ Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat 708; see 43 CFR 186.9).)

Dated _

(*Applicant, *offeror)

Note: Append proper acknowledgment for individual, or for officer or other authorized representative of corporation, in compliance with the laws of the State where the lands are situated.

--- Form-No.-1-A (see -§ 186.9) -----

NOTICE OF ISSUANCE OF *PROSPECTING PERMIT, *EEASE

To whomever it may concern:

Notice is hereby given:

___ there was 1. That on ___.

(Date)
'issued by the United States of America under and pursuant to the mineral leasing laws as defined in Section 11 of the Act of August 13, 1954 (68 Stat. 708), *a, *an ___

(Kind) _____, *prospecting pereffective . mit, *lease to _______(Name of original permittee

or lessee) as *permittee, *lessee, and that the under-_ whose address signed ._____ (Name)

_____ is the present *permittee, *lessee under said *permit, *lease as to the lands described in section 2 of this notice, bearing Serial No. ____, as shown by the records of the Bureau of Land Man-

agement, Department of the Interior; and 2. That said *permit, *lease covers lands in the County of ______, State ____, described as fol-----lows, to wit: Township ____, Range __ Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

Dated ____

(*Permittee, *lessee)

Nore: Append proper acknowledgment for individual or for officer or other authorized representative of corporation, in compliance with the laws of the State where the lands are situated.

Form No. 2 (see § 186.10)

REQUEST FOR PUBLICATION OF NOTICE OF AP-PLICATION, OFFER, PERMIT, OR LEASE PURSUANT TO SECTION 7 OF THE ACT OF AUGUST 13, 1954 (68 STAT. 708)

To the Manager of the Land Office of the Bureau of Land Management, Department of the Interior: 1

(City and State)

Pursuant to the provisions of section 7 of the act of August 13, 1954 (68 Stat. 703), and to the applicable regulations thereunder .(43 CFR 186.5), the undersigned ____

(Name) whose address is _________being the *application, *offer hereinafter described *permittee, *lessee under *permit, *lease hereby requests that notice of such *application, *offer, *permit, *lease be published as provided in section 7 of said act and said applicable regulations thereunder. .____ the under-

#1. On ____. (Date) signed filed in the Land Office of the Bureau of Land Management, Department of the Interior, at ______ an appli-Interior, at __

(Place) -cation. *offer for . prospecting (Kind)

permit, *lease under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 703). (designated in said Land Office as Scrial _____).

#1. On ____ ._ there was (Date)

issued by the United States of America under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708), *a, *an ______ *prospecting permit, *lease to _____

(Name of original permittee or lexce) as *permittee, *lessee.

The undersigned is the present *Permittee, *lessee under said *Permit, *lease: bearing Serial ______ as to the lands described in section 2 of this request, as shown by the records of the Bureau of Land Management,

Department of the Interior.

2. Said *Application, *offer, *permit, *lease covers lands in the County of ______, State of ______, Township __, Range __

Meridian.

(Describe in conformity with requirements of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

3. The undersigned has heretofore com-

plied with the requirements of section 7 (a) of said act of August 13, 1954, and of 43 CFR section 186.9 regarding the filing for record, not less than ninety (90) days prior to the filing of this Request for Publication of notice, of the "filing of said Application/ Offer, "issuance of said Prospecting Permit/

In compliance with section 7 (a) of said act of August 13, 1954, and 43 CFR 186.10, there is enclosed herewith a certified copy of said recorded notice, together with an affidavit(s) of examination of the lands involved and a certificate based upon examination of the instruments of record affecting the lands involved.

In this connection, the Land Office for North Dakota and for South Dakota is located at Billings, Montana; that for Ne-braska and Kansas at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

Where there is no land office for the State in which the lands are located, requests should be filed with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

4. The undersigned agree(s) to pay the entire cost of the publication herein requested in such newspaper as you may designate as the medium for such publication, and the undersigned agree(s) prior to commencement of such publication, upon receipt from you of the name and address of the newspaper so designated, to furnish the agreement of the publisher of such newspaper to hold the undersigned alone respon-sible for the charges of publication.

Dated ...

(*Applicant, *offeror, *permittee, *lessee)

Form No. 3 (See § 186.10)

CEETIFICATE

The undersigned hereby certifies that:
#1. *It, *he, *she is a duly qualified and
licenced *Title Company, *Abstract Company, *Title Abstractor.
#1. *He, *she is an attorney admitted to
practice law in one or more of the states in the United States of America.

2. *It, *he, *che has examined the instruments affecting the hereinafter described lands, of record in the public records of the county in which the lands are situate as shown by the indices of the public records in the county office of record for said county; the lands hereinabove referred to being situate in the County of ____ _. and described State of _ as follows:

(Describe as described in the Request for Publication, in conformity with requirements of section 7 (a) of act of August 13, 1954 (63 Stat. 703; see 43 CFR 186.9).)

3. Based upon the undersigned's said examination of said instruments, there is cet forth below the name of each person** disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to the enactment of the act of August 13, 1954 (68 Stat. 708), together with the address of such person if disclosed by such instruments of record:

> Name of person Address (If so disclosed) (If not so disclosedwrite "Not Disclosed")

In witness whereof, this Certificate is executed this _____ day of ____

(If corporation)

•	(Corporate name)
By.	
	Designate below signa-
·	ture office of person signing for corpora- tion)
Address .	
(If individual)	€.
Address :	(Name)
Autres .	

Note: Affix corporate seal if corporation executes.

Form No. 4 (see § 186.12)

NOTICE OF *APPLICATION, *OFFER, *PERMIT, *LEASE

Published pursuant to section 7 of act of August 13, 1954 (68 Stat. 703)

To whomever it may concern:

Notice is hereby given in pursuance of a proper Request for Publication heretofore

^{*}Use appropriate term.

Uce appropriate paragraph No. 1. "If none, write "None."

filed in accordance with section 7 of the act of August 13, 1954 (68 Stat. 708) and the regulations thereunder (43 CFR 186.8) #1. That on _____ (Date) __i_ whose (Name of Applicant or offerer.)

(Name of Applicant or offerer) address is _____ filed in the Land Office of the Bureau of Land Management, Department of the Interior, at _____ an *Application, *offer (Place)

--- *Prospecting permit, (Kind) *lease under and pursuant to the mineral leasing laws as defined in section 11 of the

act of August 13, 1954 (68 Stat. 708) (designated in said Land Office as Serial _____); and #1. That on _____. .____ there

(Date) was issued by the United States of America under and pursuant to the mineral leasing laws as defined in section 11 of the act of August 13, 1954 (68 Stat. 708), *a, *an. *Prospecting permit, (Kind)

*lease to ________,
(Name of original permittee or lessee) as *Permittee, *lessee and that ____

whose address is _ whose address is _______ is the present *Permittee, *lessee under said *Permit, *lease as to the lands described in section 2 of this notice, bearing Serial No. _____, as shown by the records of the Bureau of Land Management, Department of the-Interior; and
2. That said *application, *offer, *permit,

*lease, covers lands in the County of ___ ___, State of _____, described as follows, to-wit: Township _____, Range, ____, Conscribe in conformity with require-

ments of section 7 (a) of act of August 13, 1954 (68 Stat. 708; see 43 CFR 186.9).)

3. That if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954 (68 Stat. 708), any right-or-interest in Leasing Act minerals (as defined in Section 11 of said Act of August 13, 1954) as to the above-described lands or any part thereof, shall fail to file in the Land Office of the Bureau of Land Management at ______, and within 150 days from the below-stated date of first publication of this Notice, a verified statement which shall set forth as to such mining claim:

(1) The date of location;
(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monu-

ment;
(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act

minerals specified in section 4 of said Act of August 13, 1954, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act minerals by reason of such mining claim.

The date of first publication of this Notice shall be _____, 195__.

Dated _____

(Manager)

(Land Office, Bureau of Land Management, Department of the Interior)

First publication: ___.

(Date)

Form No. 5 (see §§ 186.8; 186.16)

Not to be filled in by mining claimant. Application ______ Offer ______
Prospecting Permit _____ Serial No. Verified Statement of Mining Claimant

Pursuant to section 7 of the act of August 13, 1954 (68 Stat. 708)

Pursuant to the provisions of section 7 of the act of August 13, 1954 (68 Stat. 708), and to the applicable regulations thereunder (43 CFR 186.8; 186.16) the undersigned respectfully state(s) and represent(s)

1. Under and by virtue of the hereinafter mentioned mining claim(s) located prior to enactment of the act of August 13, 1954 (68 Stat. 708) the undersigned _____, whose address is _____, claims rights in Leasing Act minerals as defined in said act.

2. Said mining claim(s) is/are situate in the County of ______, and are identified as follows:

Name of mining claim	Date of location	icate	or certif- of loca- ecorded
		Book	Page

#3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely Township _____, Range _____ Meridian Section(s)

##3. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely Township _____, Range _____,
____ Meridian Section(s)

Note: In lieu of # #3, the mining claim may be described by a-tie by courses and distances to an approved United States mineral monument.

4. The undersigned is a locator or purchaser under said mining claim(s) as follows, to wit:

Name of claim Claimant's interest

#Use this paragraph 3 where public land surveys have been extended to the lands on

which the mining claim(s) are situated.

##Use this paragraph 3 where public land surveys have not been extended to the lands on which the mining claims are situated. Or as an alternate, give as to each mining claim a tie by courses and distances from the location or discovery monument or a specified corner of the mining claim, to an approved United States Mineral Monument identified by its official survey number. (Insert opposite the name of each claim the word "locator" or the word "purchaser," to show the nature of the mining claimant's

5. The names and addresses, so far as known to the undersigned claimant, of any other person or persons claiming any interest or interests in or under the abovenamed unpatented mining claim(s) are as follows:

(Set forth name and address of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s)

each such other claimant is interested in.)
6. This verified statement of the undersigned mining claimant is being filed in accordance with the provisions of section 7 of said act and pursuant to a "Notice of Application, *offer, *permit, *lease," published as to "_____" *Application, (Kind)

*offer, *permit, *Iease, Serial _

(Number)
within one hundred and fifty (150) days
from the first publication of said Notice.

Dated _____

(Mining claimant)

VERIFICATION

(Where mining claimant is an individual) ~~~~~~~~~~~ County of _____, ss:

(Name of mining claimant)
duly sworn, deposes and says that (s) ho is

the mining claimant who executed the foregoing Statement of Mining Claimant; that (s)he has read the said foregoing verified statement and knows the content thereof; and that the same is true of his/her own knowledge.

Subscribed and sworn to before me this _____ day of ______, 19 __.

> (Notary Public in and for the State of County of _____)

My commission expires:

VERIFICATION (

(Where mining claimant is a corporation)

County of _____, ss:
______, being duly sworn, deposes and says that (s) he is an officer; to-wit, _____, the corporation,

(Name of corporation) named in and whose name is subscribed to the foregoing Verified Statement of Min-ing Claimant, and makes this verification for and on behalf of said corporation; that (s) he has read the foregoing Verified Statement of Mining Claimant and that the same is true of his/her own knowledge.

(Notary Public in and for the State of _____

County of _____)

My commission expires:

Form No. 6

REQUEST OF MINING CLAIMANT FOR COPY OF Notice of Application, Offer, Permit or Lease Pursuant to the Act of August 13, 1954 (68 Stat. 708), 43 CFR 186.21

Pursuant to the provisions of section 7 (d) of the act of August 13, 1954 (68 Stat. 708) and to the applicable regulations thereunder (43 CFR 186.21), the undersigned hereby requests a copy of any notice of any Leasing Act application, offer, permit or lease which may be published by the Secretary of the In-terior of the United States or his designated representative, as provided in subsection (a) of section 7 of said act, affecting any of the lands hereinafter described and in that con-

^{*}Use appropriate term. #Use appropriate paragraph No. 1.

nection respectfully state(s) and repre-

1. Under and by virtue of the hereinafter-mentioned mining claim(s) located prior to enactment of the Act of August 13, 1954 (68 Stat. 708), the undersigned ___

(Name)

whose address is ______claims rights in Leasing Act minerals as defined-in said act.

2. Said mining claim (s) is/are situate in the County of _____, and are identi-State of __ fied-as_follows:

Name of mining claim,	Date of location	Notice or certif- icate of loca- tion recorded		
	_	Book	Page	

- 3. Said mining claim(s) is/are embraced in the following section(s) of the public land surveys, namely Township Meridian Sec-Range ____, ..., or tions:
- 4. Said mining claim(s) will probably be embraced in the following section(s) when the public land surveys are extended to the lands covered by said mining claim(s), namely Township....., Range, Meridian Section(s)

Note: In lieu of paragraph 4, the mining claim may be described by a tie by courses and distances to an approved United States mineral monument.

5. The undersigned is a locator or purchaser under said mining claim(s) as follows, to-wit:

Name of claim

Claimant's interest

(Insert opposite the name of each claim the word "locator" or the word "purchaser" to show the nature of the mining claimant's interest.)

6. The names and addresses, so far as known to the undersigned claimant, of any other person or persons claiming any interest or interests in or under the above-named unpatented mining claim(s) are as follows:

(Set forth names and address of each other claimant, so far as known to mining claimant filing above statement, and identify which of the above-named mining claim(s) each such other claimant is interested in.)

[F. R. Doc. 55-6757; Filed, Aug. 22, 1955; 8:45 a, m.]

TITLE 47—TELECOMMUNI-CATION

Chapter I—Federal Communications DEPARTMENT OF THE INTERIOR Commission

[Docket No. 11311]

PART 9-AVIATION SERVICES

MISCELLANEOUS AMENDMENTS: CORRECTION

In the matter of amendment of Part 9 of the Commission's rules governing aviation service, to include frequencies for the Aeronautical Mobile (R) Service in the exclusive bands between 2850 kc

and 27,500 kc. The Commission's Report and Order in the above-entitled proceeding (Mimeo 21664) adopted July 27, 1955, and which appeared in the August 4, 1955 issue of

the Federal Register (20 F. R. 5594), is gard to the proposed regulations to the corrected as follows:

Add the following as item (16) *

16. In redesignated § 9.434 (c), change reference to "subdivision (ix) of this subparagraph" to read "paragraph (b) of this section."

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S.C.

Released: August 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

WM. P. MASSING, Acting Secretary.

[F. R. Doc. 55-6817; Filed, Aug. 22, 1955; 8:49 a. m.]

TITLE 50-WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F-Alaska Commercial Fisheries PART 122-SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

OPEN SEASONS

Basis and purpose. On the basis of poor pink salmon escapements in parts of Southeastern Alaska, it has been de-termined that additional closed time is necessary in certain districts

Therefore, effective immediately upon publication in the Federal Register, §§ 122.5 and 122.5b are amended by changing "6 o'clock postmeridian August 24" to "6 o'clock antemeridian August 23," in 1955 only.

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

> JOHN L. FARLEY, Director.

August 22, 1955.

[F. R. Doc. 55-6894; Filed, Aug. 22, 1955; 11:54 a. m.]

PROPOSED RULE MAKING

Bureau of Mines

[30 CFR Part 26]

[Bureau of Mines Schedule 29]

MINE LIGHTING EQUIPMENT FOR ILLUMI-NATING UNDERGROUND WORKINGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Sccretary of the Interior proposes to issue the regulations in this part governing investigations leading to the approval of mine lighting equipment as indicated below. Interested persons may submit written data, views, or arguments in re-

Director, Bureau of Mines, Department of the Interior, Washington 25, D. C. All communications shall be in triplicate. All relevant material received not later than 30 days after the publication of this notice in the Federal Register will be considered in the formulation of these regulations.

Preliminary statement. The Bureau of Mines is prepared to inspect and test mine lighting equipment at its Central Experiment Station, Pittsburgh, Pennsylvania, for the purpose of determining whether such equipment and the appliances for connecting it to a source of power may be approved as permissible for use in gassy and/or dusty coal mines.

The authority for conducting these investigations is contained in the Federal Coal Mine Safety Act (66 Stat. 692; 30 U. S. C. secs. 471, et seq.) and in the act of Congress (37 Stat. 681) approved February 25, 1913, and amended June 30, 1932 (47 Stat. 410) and by Executive Order No. 6611, February 22, 1934 (30 U.S. C. secs. 5, 7). The Act of 1913, as amended, contains the following provision: "For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, except those performed for the Government of the United States, or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts."

Sec. 25.1 Type of equipment that may be ap-

26.2 Definitions.

26.3 Consultation.

26.4 Fees charged.

Application for approval of equipment.

26.6 Drawings and specifications required. 26.7 Shipments.

Observers at formal investigations 26.8 and demonstrations.

Quality of material, workmanship, and design. 26.9

26.10

Power supply. Electrical clearances and insulation. 26.11

26.12 Portable cables.

26.13 Connections and connection boxes.

Circuit protection. Grounding. 26.14

26.15

26.16 Detailed requirements for enclosure casings, material, and construction (explosion-proof type).

26.17 Intrinsically safe type lamp fixtures.

26.18

Face lighting units.

Area lighting lamp units.

Installation. 26.19

26.20

26.21 Renewal of lamps (relamping).

26.23 Special lights.

26.23 Notification of approval or disapproval.

2824 Approval plate.

Changes subsequent to approval. 26.25

28.26 Withdrawal of approval.

AUTHORITY: \$\$ 26.1 to 25.26 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

§ 26.1 Type of equipment that may be approved. (a) Safe operation of lighting equipment underground involves consideration of 3 fundamental features, namely (1) Protection from fire, (2) protection from explosion, and (3) protection from electric shock. Lighting equipment for use in coal mines will be granted approval only when proved by test to provide adequate protection against these hazards.

(b) The type of lighting equipment that will be considered for approval under this schedule will be that receiving current from power circuits as distinguished from that which is self-contained, having its own source of current.

(c) Approvals will be granted for complete lighting equipment only and not for any individual parts used in the assembly of such equipment. The approval shall include all components, cables, and equipment used in other than fresh intake air.

§ 26.2 Definitions—(a) Approval. Official, written notification issued by the Bureau of Mines to responsible organizations, stating that the equipment, cables, and all related material when properly assembled and applied have been judged to comply satisfactorily with the requirements of the regulations in this part for use in gassy and dusty mines. (Approvals will be granted only for complete equipment, including fixtures, cables, connectors, and all related material.)

(b) Incendive spark. An electric spark or arc capable of igniting flammable methane-air mixtures.

- (c) Intrusually safe. An apparatus, a combination of parts, or a system may be considered intrinsically safe, if it will not cause ignition of flammable methane-air mixtures in any normal operation, during an intended manipulation, or when accidentally broken, if properly installed and supplied by a voltage that does not vary excessively from the nominal rating. (For the purpose of this part, the definition may, for example, include the accidental breakage of a fluorescent tube.)
- (d) Permissible. Completely assembled, properly applied, and conforming in every respect with the design formally approved by the Bureau of Mines for use in gassy and/or dusty mines. (Since electrical parts or components are not approved independently of the whole apparatus or system, the Bureau of Mines does not recognize or designate such parts or components as "permissible.")
- (e) Main circuit. For the purpose of this part, a main circuit shall be considered a circuit supplying current directly from the power source. When two or more parallel circuits are used beyond the first supply circuit, if one circuit carries more current then it shall be considered the main circuit.
- (f) Branch circuit. For the purpose of this part, all parallel power supply circuits, other than main circuits, shall be considered branch circuits. (In the case where two equally loaded parallel

circuits are connected to a main circuit, both of the parallel circuits shall be considered branch circuits.)

(g) Fixture circuit. The circuit or wiring contained in the fixture enclosure or parts shall be called the fixture circuit.

'(h) Explosion-proof. Capable of withstanding internal explosions of methane-air mixtures without ignition of surrounding explosive methane-air mixtures and without damage to the enclosure or discharge of flame.

(i) Distribution box. Probable enclosure in which one or more portable cables may be connected to a common

source of electrical energy.
(j) Normal operation. The performance by a part of those functions for which the part was designed.

(k) Portable cable. A flexible cable by means of which portable lighting equipment may be connected to a source of electrical energy.

(1) Frame ground. For the purpose of this part, a frame ground shall be a connection by means of a separate conductor which is used to keep metal casings and other parts concerned at ground potential for the purpose of preventing shock, explosion, and fire hazards.

(m) Sectional unit. For the purpose of this part, a sectional unit is considered to be a lighting unit that may be added to or taken from the lighting circuits as work advances or retreats. For example, a lighting fixture with cable and connectors may be considered a sectional unit. Also, a connection box with outlets and cables may be considered a sectional unit.

§ 26.3 Consultation. By appointment, manufacturers or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticism of proposed designs or to discuss the requirements of the regulations of this part in connection with equipment to be submitted. No charge is made for such consultations.

§ 26.4 Fees charged.

(a) For detailed inspection of each explosion-proof enclosure____\$45.00

Note: When the enclosure is of such a nature that only a nominal amount of work is involved in the inspection, only half of this fee will be charged.

Note: When the explosion-proof qualities of an enclosure can be demonstrated satisfactorily in less than 20 tests, only half of this fee will-be charged.

(c) For each series of tests necessary to prove the adequacy of electrical clearances and insulation, durability of parts, light output, surface temperatures, or protection against gas fentitions.

tion against gas ignitions 40.00
(d) For the examination and recording of all the necessary drawings and specifications preparatory to issuing an approval 25.00

(e) For the examination and recording of drawings and specifications necessitated in consideration of proposed changes in design or construction of approved equipment, a charge of \$20.00 will be made. However, if only a nominal amount of work is involved, the fee will be \$10.00. Revisions in drawings or specifications which do not involve actual change in safety features of the equipment may be handled informally without charge.

(f) Tests to assist the manufacturors in the development of lighting fixtures may be made upon request to the Central Experiment Station and will be charged for in amounts proportionate to the work involved. The making of this class of tests shall, however, be optional with the Bureau. A deposit of \$100 in advance shall be made to cover the cost of such work. Any surplus remaining at the completion of this work will be refunded or, if desired, can be applied to further work.

§ 26.5 Application for approval of equipment. Before the Bureau of Mines will undertake the active investigation leading to approval of any lighting equipment, the manufacturer shall make application by letter for an investigation of that equipment. This application, in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Bureau of Mines to cover all necessary fees, shall be sent to the Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, together with drawings and specifications as prescribed in § 26.6.

§ 26.6 Drawings and specifications required. (a) The drawings and specifications shall be sufficient in number and detail to identify the design fully. Drawings must be numbered and dated to insure accurate identification and reference in the records.

(b) The drawings and specifications shall specify the materials and detailed dimensions of all parts that make up explosion-proof enclosures. Upon request, the manufacturer shall specify the material and dimensions for such other parts as the Bureau considers necessary for proper record.

(c) Any other drawings found necessary to identify or explain any feature that has to be considered in determining whether the lighting unit and its accessory equipment meet the requirements.

§ 26.7 Shipments. (a) The manufacturer shall arrange for and prepay all costs of shipments of material to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. He shall also arrange for and assume all costs of crating and removal of parts upon completion of the investigation. In general, one complete lighting unit with cable, connectors, and any other essential accessories will be sufficient for the preliminary investigation. However, if upon inspection of the unit by the Bureau's engineers, it is found that additional parts are required

for the tests, the applicant will be notified as to amount of such additional material that will be needed.

(b) Unless instructed to the contrary, manufacturers may ship parts to the Bureau for inspection and test immediately after filing application. Inspection and test usually are undertaken in the order of receipt of parts: Provided, That the application, fees, and drawings have been received.

§ 26.8 Observers at formal investigations and demonstrations. No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon approval of mine-lighting equipment as permissible, the Bureau will announce that such approval has been granted and may thereafter conduct from time to time in its discretion public demonstrations of the tests conducted on the approved mine-lighting equipment. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 26.9 Quality of material, workmanship, and design. (a) The Bureau of Mines reserves the right to refuse to test any equipment that in the opinion of qualified representatives of the Bureau is not constructed of suitable materials or that gives evidence of faulty workmanship, or that is not designed upon sound engineering principles. This right shall apply to all parts of the equipment and to the design thereof, whether or not the points in question are covered specifically by the requirements of this schedule. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitation on equipment or parts of equipment not specifically covered herein, in order to determine the safety of such equipment with regard to explosion, fire, or shock hazards.

(b) The requirements set forth in this schedule, unless otherwise noted, shall apply to both the explosion-proof type and intrinsically safe types of circuits and enclosures.

(c) All lighting components and parts must be designed and constructed in such manner that they will not create any gas or dust explosion hazard, fire hazard, or shock hazard.

(d) All enclosures must be essentially of "drip-proof" design.

(e) All lighting assemblies or enclosures, either explosion-proof or intrinsically safe types, must be so designed that the temperatures of the external surfaces of the enclosures do

point during continuous normal operation.

(f) Lighting units must be of specially rugged design for mine service.

§ 26.10 Power supply. The power supply shall be such that the voltage does not exceed 260 volts (d. c. or a. c.) at any lighting fixture.

§ 26.11 Electrical clearances and insulation. (a) The clearances between live parts and casings shall be such as to minimize the possibility of arcs be-tween them, or if space is limited, the casings shall be lined with adequate insulation.

(b) Phenolic and other insulating materials that give off highly explosive gases when decomposed electrically should not be placed within enclosures where they might be subjected to destructive electrical action.

§ 26.12 Portable cables. No cables smaller than No. 14 gage shall be used for main, branch, and fixture supply circuits. All cables shall have 600-volt insulation and the cables for fixture supply circuits, in addition, shall be of the special remote-control type of construction for minimum mechanical protection. In any case, the cable must have conductors of a size equal to or greater than the N. E. C. (National Electric Code) standard. The current-carrying capacity shall be based on the maximum load that will be carried by the cable in service. Cables shall meet the United States Bureau of Mines requirements for flame resistance.

§ 26.13 Connections and connection boxes. Live contacts or live parts of any kind must not be exposed to the outside of an enclosure or receptacle. Live contacts must not be accessible from the outside or in a position where moisture can drain over them or collect around them. Connectors or other parts used to join sectional units together must be so designed that hazard of gas and dust ignition will not be introduced by separating the connectors or joining them together. It must be possible to remove or add sectional units safely without shutting off the power supply.

§ 26.14 Circuit protection. All main and branch lighting circuits shall be provided with short-circuit protection. If distribution boxes are used for this purpose, all requirements not covered in this part shall be found in applicable sections of Part 18 of this subchapter (Schedule 2F) The cable in each section of the circuit must be protected against excessive overload currents. Appropriate means shall be provided for readily connecting and disconnecting the main circuit and all branch circuits from the power supply without hazard of igniting gas or dust.

§ 26.15 Grounding. (a) If an ungrounded system, isolated from all other power circuits is used, fixtures and auxiliary equipment need not be frame grounded.

(b) If a grounded system is used, provision must be made to prevent all exposed conducting material on the lamp enclosures or auxiliary equipment from

not exceed 392° F (200° C.) at any becoming "live" This shall be accomplished by use of a separate grounding conductor.

(c) The power conductors must not be used for grounding. All plugs and/or connectors used between the power supply and adjacent units must be polarized and the cable conductors identified to prevent reversal of the lines in grounded systems.

(d) All external surfaces of plugs and connectors must be of non-conducting and low-moisture-absorbing material. This is required so that units may be connected and disconnected without shock hazard.

§ 26.16 Detailed requirements for enclosure casings, material, and construction (explosion-proof type) (a) Unless the lamps used in the lighting fixtures are intrinsically safe when broken in explosive methane-air atmospheres, the lamp shall be enclosed in an explosionproof housing. The cover glass shall be of adequate strength, in no case less than one-half inch in thickness, and shall not crack if struck by dripping water while hot during use.

(b) The casings forming the enclosures shall be of suitable material, adequate strength, and especially durable in order that with proper care and maintenance the explosion-proof qualities of the parts will remain unimpaired not only when subjected to pressures developed during explosion tests but also under the severe conditions imposed by mining service. Sheet metal used for walls and covers in fabricating explosion-proof casings shall be of sufficient thickness, unless adquately reinforced with ribs or their equivalent, to prevent permanent distortion by explosion tests. Material of less than 316-inch thickness is not recommended. When welding is employed to join pieces forming walls of explosion-proof casings, the joints shall be continuously and effectively welded. Joints that are machined after welding shall be reinforced to compensate for weakening caused by such any machining. (For other details of explosion-proof enclosures, see applicable requirements of Part 18 of this subchapter (Schedule 2F1.)

§ 26.17 Intrinsically safe type lamp fixtures. (a) In the case of fluorescent lamps that can be broken in explosive atmospheres without causing ignition, these lamps may be considered intrinsically safe. When the lamps themselves are intrinsically safe for use in any methane-air atmosphere, they will not be required to be housed in an explosion-proof housing. However, the lamps must be mounted in a housing so as to provide adequate mechanical protection. Covers must be provided for protection of the lamps and may be either glass or plastic. The thickness and shape should be adequate for the service. If plastic is used for covers or other major parts, this material must not create a fire, explosion, or toxic hazard when subjected to the heat of the components.

(b) Lamp fixtures must be designed so that vibration will not shake the lamps loose from their sockets or holders. The design of lamp holders and lamp connections must be such that accidental lamp breakage will not cause any gas or dust ignition hazard or shock hazard.

- § 26.18 Face lighting units—(a) Angle of light beam. The effective light zone. of each face lighting unit shall be a solid cone of light not less than 60° for spotlights and 120° for floodlights.
- (b) Distribution. The minimum average candlepower of the beam in the central 10° section of the light cone in each unit shall not be less than 3,000 candlepower. The minimum candlepower of the beam directed from the lamp at 30° from the beam axis for spotlights and 60° for floodlights, shall not be less than 10 percent of the maximum beam candlepower.
- (c) Luminous output. The total 0-180° hemispherical light output for a face lighting unit shall not be less than 1.700 lumens.
- § 26.19 Area lighting lamp units—(a) Angle of light beam. The effective light zone of each area lighting lamp unit, developed on the central horizontal plane perpendicular to the vertical axis of the light source, shall not be less than
- (b) Distribution. The light zone shall be free from sharp gradations in light intensity and free of spectral shadows. The minimum candlepower of the effective light zone, measured at plus or minus 85° from the light beam axis, shall by 50 percent of the maximum. candlepower.
- The total (c) Luminous output 0-180° hemispherical light output of a fluorescent unit, based on a 15-foot spacing of fixtures, shall not be less than 1,000 lumens.
- § 26.20 Installation. Lighting fixtures and systems must be designed for hanging from supports so that cables or components are not allowed to rest on or against the rib, bottom, or gob (goaf) Some suitable means of carrying the lighting fixtures by hand must be provided.
- § 26.21 Renewal of lamps (relamp-Whether of the explosion-proof type or of the intrinsically safe type, the lamp enclosure must be sealed or locked. Lamps must not be replaced in service unless interlocks are provided so as to prevent any possible gas and/or dust ignition hazard or shock hazard.
- § 26.22 Special lights. In general, special lights, such as those used for underground photography, will be judged on their ability to meet the minimum requirements set forth in this part. Requirements not affecting safety may be waived in certain cases. The light output and light distribution standards of this part shall not apply to lights used for underground photography. The Bureau of Mines reserves the right to make special tests or require special features that might be necessary to insure safe operation in preventing gas or dust ignition hazards, fire hazards, and/or shock hazards.
- "§ 26.23 Notification of approval or disapproval. (a) After the Bureau has considered the results of the investigation, and suitable drawings and specifications have been placed on file, a formal written notification of approval or dis-

approval of the lighting unit will be turer to maintain the quality of his supplied to the applicant by the Bureau. If the unit meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the unit fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of defect or defects in units submitted in the future. Otherwise, results of tests of units that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decision concerning investigations will be given and no temporary or informal. approvals will be granted.

- (c) A drawing list numbered to correspond with the approval number will accompany the notification of approval. The list will include the drawings and specifications covering the details of construction upon which approval is based. The applicant receiving an approval shall keep exact duplicates of the drawings and specifications retained by the Bureau. These are to be adhered to in commercial production of the approved unit.
- § 26.24 Approval plate. (a) With the approval letter the manufacturer will receive a photograph of a design of approval plate. This plate shall bear the seal of the Bureau of Mines, United States Department of the Interior, a space for the approval number, the type, the serial number, and the name of the class of equipment to which the equipment belongs, and the name of the manufacturer. When necessary, an appropriate statement giving the precautions to be observed in maintaining the equipment in an approved condition shall be added.
- (b) Copies of a "caution statement" satisfactory to the Bureau are to be furnished with each device in a form that will readily attract the attention of the proper persons. This information should be placed in the repair parts book, the instruction envelope, the wiring diagram, or in other material which electricians and maintenance men refer to frequently.
- (c) The manufacturer himself shall have this design reproduced either as a separate plate or by stamping or molding it in some suitable place on each permissible device. The size, method of attaching, and location of approval plate shall be satisfactory to the Bureau and a sample of the plate adopted shall be sent to the Bureau's Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The method of attaching the plate shall not impair the explosion-proof features of any enclosure.
- (d) The approval plate is a label which identifies the equipment so that anyone can tell at a glance whether or not that equipment is of permissible type. This plate is the manufacturer's guarantee that his equipment complies with the requirements of the Bureau of Mines for use in gassy and/or dusty mines. Without a plate, an approved device loses its permissible status.
- (e) The use of the approval plate on his equipment obligates the manufac-

product and to see that each permissible device is constructed according to the drawings and specifications accepted and recorded by the Bureau. Equipment having changes in design which do not have official authorization from tho Bureau is not permissible and therefore must not bear an approval plate.

§ 26.25 Changes subsequent to approval. All approvals are granted with the understanding that the manufacturer will produce his unit according to final drawings and specifications submitted to the Bureau of Mines. Therefore, before changing any feature of the unit considered in the original approval, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send a set of revised drawings and specifications with his request for extension of approval.

(b) The Bureau will consider the application and inspect the drawings and specifications to determine whether inspection and testing of the modified part or parts will be necessary. In general, inspection will be necessary. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment.

(c) The applicant will be informed by the Bureau of the exent of the investigation, parts or material that should be submitted if tests or examinations are necessary, and the amount of the investigation fee.

(d) If the proposed modification complies with requirements of the regulations in this part, formal written authorization, known as extension of approval, allowing the modification, will be issued to the applicant by the Bureau. The letter notifying the applicant of extension of approval will be accompanied by a list of new and corrected drawings to be added to the list of official drawings relating to the unit.

§ 26.26 Withdrawal of approval. The Bureau reserves the right to rescind for cause, at any time, any approval granted under this part.

F E. WORMSER, Assistant Secretary of the Interior

AUGUST 17, 1955.

[F. R. Doc. 55-6804; Filed, Aug. 22, 1955; 8:46 a, m.1

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

HANDLING OF MILK IN METROPOLITAN NEW YORK-NEW JERSEY

DETERMINATION RELATIVE TO AREA OF REGU-LATION AND NOTICE OF SECOND PUBLIC MEETING ...

Determination. After consideration of pertinent information, including all

data, views and arguments presented at the public meeting held in Trenton, New Jersey, during the period July 18-22, 1955 pursuant to notice thereof issued on June 15, 1955, and published in the FEDERAL REGISTER on June 18, 1955 (20 F R. 4307, it is hereby determined that the territory within the State of New Jersey to be included for hearing in any notice or notices of hearing which may be issued relating to proposals currently under consideration for new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area should be limited to territory no greater than that (hereinafter referred to as "Northern New Jersey") within the boundaries of the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren. A determination concerning further restriction of the proposed marketing area within Northern New Jersey, for notice of hearing purposes, is deferred until after the second public meeting is held as hereinafter set forth.

Notice. It was indicated in the notice of June 15, 1955, that additional appropriate proceedings were contemplated concerning other aspects of the various proposals submitted. Accordingly, and further pursuant to section 903 of the rules of practice and procedure governing procedure to formulate marketing agreements and orders (7 CFR Part 903) notice is hereby given of a second public meeting to be held at the Douglas Hotel in Newark, New Jersey, beginning at 10:00 a. m., e. d. t., October 4, 1955, at which data, views or arguments may be presented concerning, and limited to, the following questions:

(1) What territory, either within "Northern New Jersey" (as herein defined) or other nearby territory outside the State of New Jersey, including that within the marketing area presently regulated under Order No. 27, should be included in any notice or notices of hearing which may be issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) relative to proposed new or revised Federal regulation of the handling of milk in such territory; and

(2) Whether such notice or notices of hearing should include (a) proposals to regulate the handling of milk in all of the territory proposed for regulation (both inside and outside of New Jersey) as a single marketing area under a single order, or (b) proposals to regulate such handling of milk by means of two or more separate marketing orders each applicable to a portion of the entire territory proposed for regulation.

ritory proposed for regulation.

As in the case of the first meeting (at Trenton, July 18–22) the data, views and arguments presented at this second meeting shall be by means of statements presented orally, not under oath. The record of this meeting and the record of the Trenton meeting shall be considered as being cumulative. Otherwise, no part of the record of any prior proceeding shall be incorporated by reference into the record of this meeting. Crossexamination, as such, shall not be permitted, but in the discretion of the pre-

siding officer clarifying questions may be asked. Statistical tables, maps, charts, or other written exhibits shall be supplied in quadruplicate by the person of green of such applicant's production of all fering the exhibit.

Issued at Washington, D. C., this 18th day of August 1955.

SEAL ROY W. LENNARTSON,

Deputy Administrator

[F. R. Doc. 55-6812; Filed, Aug. 22, 1955; 8:47 a. m.]

[7 CFR Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALI-FORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO AMENDMENTS TO CONTROL COMMITTEE RULES AND REGULATIONS

Notice is hereby given that the Department is considering the approval of proposed amendments, hereinafter set forth, to the rules and regulations (Subpart-Control Committee Rules and Regulations; 7 CFR 939.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou. Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. The amendments to the 601 et seg.) said rules and regulations were proposed by the Control Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendments are as follows:

1. Amend § 939.110a Application for exemption certificate to read as follows:

§ 939.110a Application for exemption certificate. Each application for an exemption certificate authorizing the shipment (pursuant to § 939.54 Exemption certificates) during a particular marketing season of any variety of pears shall be filed with the Secretary of the Control Committee. At the same time, and in order to insure prompt handling of such application, the applicant shall mail or deliver a copy of the application to the chairman of the Exemption Committee in the district in which the pears are grown. The application should be filed at the time the pears are harvested, and must be filed prior to the time the applicant's crop is graded, sized, and packed. Each application duly mailed and received by the Secretary of the Control Committee shall be deemed to have been filed with the Secretary as of the date of such mailing. As a part, and in support, of the application for an exemption certificate, the applicant shall submit one or more inspection certificates (or copies representative of the Federal-State Inspection Service indicating the percentage of such applicant's production of all pears of such variety which will meet the grade, size, and quality regulations in effect and the percentage which will not meet these regulations; and the volume of pears so inspected shall be representative of such applicant's total production of such variety. The said Exemption Committee shall have the right to make or cause to be made such additional investigation as may be necessary to determine whether the portion of the applicant's production covered by the inspection certificates adequately represents the applicant's total production of such variety. The cost of such inspection shall be borne by the applicant. The application to be submitted shall be "Form E-1 Grower Application for Exemption Certificate" and shall contain the following information:

(a) The name and address of the

applicant;

(b) The location of the orchard (by district and distance from the nearest town) from which the fruit is to be shipped pursuant to the exemption certificate:

(c) The number and age of the trees producing the particular variety for

which exemption is requested;

(d) The estimated quantity of such variety which could be shipped by the applicant in the absence of the grade, size, or quality regulations in effect at the time the application is filed.

(e) The percentage of such variety, as set forth in the attached Federal-State inspection certificate or the weighted average of such percentages if there is more than one inspection certificate, which meets the requirements of the aforesaid effective grade, size, or quality regulations;

(f) The quantity of such variety which meets the requirements of the aforesaid effective grade, size, or quality regulations (such quantity shall be determined by applying the applicable percentage prescribed in paragraph (e) of this section to the estimated quantity pursuant to paragraph (d) of this sec-

tion)

(g) The total crop of such variety and the quantity shipped during the preceding marketing season;

(h) The names of the shippers who shipped all or any portion of the applicant's aforesaid crop during the preced-

ing marketing season;

(i) The reasons why the quantity of the particular variety of pears, for which exemption is requested, does not meet the aforesaid effective grade, size, or quality regulations; and

(j) The name of the shipper or shippers who will ship the exempted pears if the exemption certificate is issued."

- 2. Amend the provisions in paragraph (a) of § 939.122 Shipments to designated storages to read as follows:
- (a) Pears may be shipped without prior inspection and certification to any public storage warehouse in Yakımah, Zillah, or Grandview, in the State of Washington, in Portland or Klamath

Falls in the State of Oregon, or in Tulelake, California, for storage therein in transit: Provided, That any pears so shipped shall be inspected, and a certificate issued with respect thereto, as provided in § 939.60 of the marketing agreement and order, prior to such pears being removed from such warehouse. At the time any pears are so shipped into such public storage warehouse and again when such pears are shipped out of such warehouse, the handler shall, on his semimonthly "handler's Statement of Pear Shipments," report each such shipment as prescribed in paragraph (b) of § 939.125.

3. Amend paragraph (b) (6) of § 939.125 Reports by adding at the end thereof the following sentence: "In addition the handler shall indicate, for each lot of pears shipped in accordance with the provisions of § 939.122, the storage lot number, and the name and address of the storage warehouse."

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendments should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: August 17, 1955.

[SEAL] S. R. SMITH,

Director Fruit and Vegetable

Division, Agricultural Marketing Service.

[F. R. Doc. 55-6833; Filed, Aug. 22, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 125]

[Docket No. R-148]

PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSES

NOTICE OF PROPOSED RULE MAKING

AUGUST 3, 1955.

1. Notice is hereby given of proposed rule making in the above entitled matter.

- 2. Pursuant to the authority vested in it by the Federal Power Act (49 Stat. 838, 16 U. S. C. 791a-825r) and particularly sections 301 (a) and 309 (49 Stat. 854, 858; 16 U. S. C. 825a, 825h) thereof, and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) the Commission proposes to amend the Schedule of Records and Periods of Retention (18 CFR 125.2) to prescribe revised requirements for preservation of records of public utilities and licenses.
- 3. The revisions were proposed in order to reduce in certain instances the time for which records are required to be retained and to permit in other instances such retention in the form of microfilms after the elapse of a specified period where such retention is required.

4. The proposed revisions of the Schedule of Records and Periods of Retention are shown below. As in the present regulations (§ 125.1 (e) (1)) the letter "M" indicates that microfilms may be substituted for retention of the original records at any time after the use of the records for current recording purposes has been discontinued, while a numeral after "M" indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before September 15, 1955, data, views and comments (original and nine conformed copies) in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments. Unless the written responses require reconsideration of this decision, it is not the Commission's intention to hold a hearing or have oral argument on the proposed rule making.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

§ 125.2 Schedule of records and periods of retention.

	Prescribed retention period Proposed rev			ised retention lods	
Description of records	Period to be retained	Micro- film in- dicator	Period to be retained	Micro- film in- dicator	
CORFORATE AND GENERAL					
Capital stock records: (a) Capital stock ledgers	Permanently	м	10 years after account is closed.	M,	
(d) Stubs or similar records of capital stock certificates.	r i	м	do	M	
(e) Stock transfer registers (g) Canceled capital stock certificates or certificates of destruction thereof. 10. General and subsidiary ledgers:	do	M M	do	M M	
(a) (1) General ledgers (a) (2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere.	do		Permanentlydo	M 20	
(b) (1) Indexes to general ledgers ex- (b) (2) Indexes to subsidiary ledgers ex- cept ledgers provided for elso-	do		do	M 20	
where. 11. Journals: General and subsidiary journals, including departmental and divisional	do		do	M 20	
journals. 12. Journal vouchers and journal entries: (a) General, Departmental, divisional,	đo		đo	M 20	
(a) General, Departmental, divisional, and petty journal vouchers. (c) Papers forming part of or necessary to explain journal vouchers except as covered by item 12 (b), above.	do		do	M 20	
 Cash books: (a) Treasurers' and auditors' general cash books. 	đo		do	M 10	
(b) Cash books subsidiary or auxiliary to general cash books except those showing solely collections from cus- tomers.	do	,	do	M 10	
14. Voucher registers: (a) Voucher distribution registers.	do		do	M 20	
15. Vouchers: (a) Paid and canceled vouchers (1 copy), analysis sheets showing detailed dis- tribution of charges on individual vouchers and other supporting papers. Those relating to plant:					
Land	do		do	4404444	
Involces \$5,000 and less	do		do		
Distribution and general plant other than land.	do		(i)	*******	
Those relating to accounts other than plant.	10 years		10 years		
(b) Original bills and involces for materials, services, etc., paid by vouchers and which should be attached thereto.					
Those relating to plant: Land	Permanently		Permanently	444444	
Invoices over \$5,000Invoices \$5,000 and less	do		do		
than land.	do		(1)		
Those relating to accounts other than	10 years	1	1 .	ι.	
20. Accountants' and auditors' reports: (a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (including reports of public accounting firms and regulatory commission accountants.)	Permanently	,	Permanently	M 10	

^{1 10} years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; except that those relating to the construction of licensed projects, or additions or betterment thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained until such cost has been determined.

	Prescribed retention	perio:1	Proposed revised retention periods		
Description of records	Period to be retained	Micro- filmin- dicator	Period to be retained	Micro- film in- dicator	
PLANT AND DEPRECIATION RESERVA					
Plant and construction ledgers: (a) Ledgers of electric plant accounts, including land and other detailed ledgers, showing the cost of electric	do	••••••	đo		
plant by classes. (b) Construction work in progress ledgers 23. Construction work orders and supplemental	do		do	MC 20	
records: (a) Work order sheets to which are posted in summary form or in detail the entiries for labor, materials, and other charges for electric plant additions and the entries closing the work orders to electric plant in service at completion.	do		do	M 29	
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the bases therefor. (Including original and revised or subsequent authorizations.)	Relating to production plant, transmission lines, and transmis- sion substations—6 years after plant has been retired. Other plant—10 years.	******	Relating to production plant, transmission lines, and transmis- sion substations—6 years after plant has been retired. Other plant—10 years.	MO	
(c) Requisitions and registers of author- izations for electric plant expendi-	do	*******	d9	31.30	
tures. (d) Completion or performance reports showing comparison between authorized estimates and actual ex-	do		do	M 29	
penditures for electric plant additions. (e) Analysis or costs reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction	Permanently		Permanently	M 20	
projects. 24. Retirement work orders and supplemental records: (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to electric plant accounts for cost of plant	do	******	đo	3£ 20	
25. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to electric plant accounts not covered by construction or retirement work orders and their support-	do		do	M 20	
ing records. 26. Appraisals and valuations made of the utility's property and all records, reports, and	do		do	DC 10	
data pertaining thereto. 31. Records pertaining to reclassifications of electric plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	do		do	M 29	
Records of reserve for depreciation of electroplant: (a) Detailed records or analysis sheets segregating the depreciation reserve according to functional classifications of plant.	dō		do	PE 10	
(b) Records supporting computation of de- preciation expense of electric plant, including such data as life and sal- vage studies. REVENUE ACCOUNTING AND COLLECTING	do	******	do	M 20	
43, Customers' ledgers and other records used in lieu thereof: (a) Customers' ledgers. (b) Records used in lieu of customers' ledgers, such as bill summaries, reg-	6 years	M	3 Lears	M M	
isters, bill stubs, etc. (c) Copies of large power bills: If details	do	34	do	36	
are not transcribed to ledgers. (e) Indexes to customers' accounts (h) Special ledger records of customers exempt from taxes on electricity.	do	yı yı	do	M	
PAYROLL AND PERSONNEL RECORDS					
48. Payroll records: (a) Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See item (k) below for pension or annuity payrolls and item 23 (a) for construction payrolls.	10 years		10 years	PE3	
rolls.) 51. Employees' welfare and pension records: (b) Detailed records showing computations of accruals for pension liabilities,	Permanently		Permanently	M3	

[F. R. Doc. 55-6762; Filed, Aug. 22, 1955; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration [21 CFR Part 191]

CHEESE; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSAL TO ESTABLISH A DEF-INITION AND STANDARD OF IDENTITY FOR PARTIALLY CREAMED COTTAGE CHEESE

In the matter of establishing a definition and standard of identity for partially creamed cottage cheese:

Notice is hereby given that a petition has been filed by the Borden Company, Pacific Cheese Division, a corporation of the State of California, with main offices at 755 Davis Street, San Francisco, California, setting forth a proposal to establish a definition and standard of identity for partially creamed cottage cheese.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U.S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), all interested persons are invited to present their views in writing regarding the proposal published herein and to submit their comments in quintuplicate prior to the thirtieth day following the publication of this notice in the FED-ERAL REGISTER. Written comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C.

The proposal submitted by the Borden Company, Pacific Cheese Division, is as follows:

To add to Part 19 a new section entitled Partially creamed cottage cheese; identity, reading as follows:

§ 19.531 Partially creamed cottage cheese; identity. (a) Partially creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with one or more of the following pasteurized products or a pasteurized mixture of two or more of them: Cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water. Such cream or product or mixture is used in such quantity that the milk fat added thereby is not less than 0.5 percent nor more than 2 percent by weight of the finished partially creamed cottage cheese. The finished partially creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 (Ed. note, 6th edition, 1945, p. 336) of "Official and Tentative Methods of

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1940.

(b) For the purposes of this section. "milk" whether modified or unmodified mean's cow's milk.

Dated: August 16, 1955.

JOHN L. HARVEY, Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-6809; Filed, Aug. 22, 1955; 8:47 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOL-ERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTAB-LISHMENT OF TOLERANCES FOR RESIDUES OF METHOXYCHLOR

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U.S.C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of tolerances for residues of

Analysis of the Association of Official methoxychlor (2,2-b) (ρ -methoxyphe-Agricultural Chemists," Fifth Edition nyl)-1,1,1-trichloroethane) as follows:

125 parts per million on: Grass crops (pasture and forage grasses). The following legumes for forage:

Alfalfa, clover, cowpeas, peanuts, soybeans. 14 parts per million on:

Carrots (with or without tops) or carrot

Currants. Gooseberries.

Mint. Peanuts.

3 parts per million on:

Meat. 2 parts per million on:

Grains (dried seed of cereal grasses).

The analytical method proposed in the petition for determining residues of methoxychlor is the method of Fairing and Warrington reported in Advances in Chemistry Series, Volume 1, pages 260-265 (1950) or where fats are present, a modification such as proposed by Prickett, Kunze, and Laug in the Journal of the Association of Official Agricultural Chemists, Volume 33, page 880 (1950)

Dated: August 16, 1955.

[SEAL] JOHN L. HARVEY, Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-6808; Filed, Aug. 22, 1955; .8:47 a. m.]

tions in writing to the undersigned official of the Bureau of Land Management Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 11 N., R. 6 E.,

Sec. 9, lots 2 and 3 and SW4NE14.

T. 12 N., R. 6 E., Sec. 4, SE¼NW¼ and E½SW¼, Sec. 9, SE¼NW¼ and NE¼SW¼.

Notice of the original application was published in the FEDERAL REGISTER of December 29, 1954.

> C. R. DREXILIUS, Supervisor, Eastern States Office.

[F. R. Doc. 55-6803; Filed, Aug. 22, 1955; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-34]

APPROVAL OF EQUIPMENT AND CHANGE IN MANUFACTURER'S NAME

In Federal Register Document 55-6616, published at page 5902 of the issue for Saturday, August 13, 1955, the first table in the middle column on page 5904 is corrected as follows: The ninth figure under the column headed "150", now reading "1,515", should read "11,515"

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 15, 1955.

An application, serial number Colorado 011417, for the withdrawal from location, sale and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed June 15, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Winter sports area in San Isabel

National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Colorado, Bureau of Land Management, 357 New Custom House, P O. Box 1018, Denver 1, Colorado. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced. where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 80 W.,

Sec. 11. 51/251/2

Sec. 12: S1/2SW1/4, SW1/4SE1/4,

Sec. 13: W½, SE¼, Sec. 14: E½, NE¼SW¼, SE¼NW¼, N1/2NW1/4.

Total area. 1,240 acres more or less.

MAX CAPLAN. State Supervisor

[F. R. Doc. 55-6802; Filed, Aug. 22, 1955; 8:45 a. m.]

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Fish and Wildlife Service has filed an amended application, Misc. No. 68156, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing The applicant desires the land laws. for administration as a wildlife management area and as a refuge for migratory water fowl.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objec-

CIVIL AERONAUTICS BOARD

[Docket No. 7197; Order E-9493]

CONTINENTAL AIR LINES. INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE 1

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 16th day of August 1955.

In the matter of the application of Continental Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 64,

Continental Air Lines, Inc. (Continental) on June 3, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue Continental a certificate of public convenience and necessity of unlimited duration for route No. 64 authorizing air transportation of persons, property and mail between certain named points. On December 7, 1954, the Board approved the joint application of Con-

¹This statement does not necessarily represent the views of all members of the Board with respect to all issues.

tinental and Pioneer Air Lines, Inc. (Pioneer) for the purchase by Continental of certain assets of Pioneer, including Pioneer's temporary certificate of public convenience and necessity for route No. 64 (E-8803) The Board reissued the temporary certificate for route No. 64 to Continental on March 31, 1955 (E-9064) therefore, Continental is possessed of those rights with respect to local service route No. 64 which arise pursuant to section 401 (e) (3) of the act.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: Provided, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Continental alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act by reason of the fact that its president and each of its managing officers are citizens of the United States and more than 75 percent of the authorized and outstanding capital stock of the applicant and all voting interest therein is owned and controlled by persons who are citizens of the United States. Proof of these facts has been submitted by Continental in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Continental further alleges in its application that it or Pioneer, its predecessor in interest, have continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953 to the date of its application under a temporary certificate of public convenience and necessity for route No. 64 issued by the Board, except

it or Pioneer had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Continental or Pioneer has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Continental that the service rendered by Continental during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed June 3, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from September 1, 1950, the date of Pioneer's last certificate for route No. 64, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Continental further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points: 3

Abliene, Tex. Albuquerque, N. Mex. Amarillo, Tex. Austin, Tex. Big Spring, Tex. Breckenridge, Tex. Clovis, N. Mex. College Station-Bryan, Tex. Dallas, Tex. Fort Worth, Tex.

Houston, Tex. Lubbock, Tex. Midland-Odecca, Mineral Wells, Tex. Plainview, Tex. San Angelo, Tex. Santa Fe. N. Mex. Snyder, Tex. Sweetwater, Tex. Temple, Tex. Waco, Tex.

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to June 3, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Continental (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the cerficate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of

as to interruptions of service over which the latest available traffic data; that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

> As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

> The proposed certificate which is set forth below as Appendixes A and B grants Continental permanent authority at those intermediate stations shown in Appendixes C, D and E to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Continental during the period May 19, 1955 to June 3, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Continental intermediate point for the calendar year 1954 and for the twelve months ended March 31, 1955. average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve months ended March 31, 1955.

> The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

> It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in Continental's presently effective certifi-

> cate of public convenience and neces-

²Pioneer was authorized to suspend service at Lamesa, Texas, and Los Vegas, New Mexico, by Orders E-818, September 24, 1947, and E-5825, October 31, 1951, until adequate airport facilities are available.

^{*}Filed as part of original document.

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is not eligible for inclusion as a point in any certificate that may be issued to Continental pursuant to said section of

As hereinafter set forth in this order, the Board is making a finding consistent with the above tentative conclusion as to the point Ranger-Eastland-Cisco,

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955 to June 3, 1955.

Thus, this order will provide that Continental will be required to show cause why Temple and College Station-Bryan, Texas, should not be certificated as points on segment 2 only.

The Board further concludes that a point which has been authorized for service, has received service from the carrier, but where service has been interrupted and temporarily suspended because of madequate airport facilities, is eligible for certification pursuant to section 401 (e) (3) of the act even though no service was rendered during the statutory grandfather period, because it is a point at which service has been interrupted for reasons over which the carrier or its predecessor in interest had no control.

Thus, the certificate which the Board proposes to issue to Continental pursuant to section 401 (e) (3) of the act, provides for the certification for a period of three years of the intermediate points Lamesa, Texas, and Las Vegas, New Mexico. , The presently effective temporary suspensions of service at these points are being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Continental pursuant to section 401 (e) (3) of the act does not include authorization to serve the point Tucumcarı, New Mexico.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Continental may not be expanded in

manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Continental pursuant to section 202.4 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Continental pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Continental during the period from May 19, 1955 to June 3, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Continental to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Continental's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Continental and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objections to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data, so that these materials need not be specially compiled for the record in this proceedmg.

On the basis of the foregoing considerations and the data set forth in Ap-

sity for route No. 64 which has never a certificate to be assued pursuant to pendixes C, D, E and F which are hereby been served by Continental or Pioneer, section 401 (e) (3) of the act in such incorporated into this order and shall incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Continental is a citizen of the United States of America as defined by section 1 (13) of the Act by reason of the fact that its president and each of its managing officers are citizens of the United States and more than 75 percent of the authorized and outstanding capital stock of Continental and all voting interest therein is owned and controlled by persons who are citizens of the United

2. From January 1, 1953, to June 3, 1955, Continental or Pioneer, its predecessor in interest, was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 64 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Continental or Pioneer, its predecessor in interest, had no control)

3. Continental has continuously served the following terminal and intermediate points during the period from May 19,

1955 to June 3, 1955:

Abilene, Tex. Albuquerque, N. Mex. Amarillo, Tex. Austin, Tex. Big Spring, Tex. Breckenridge, Tex. Clovis, N. Mex. College Station-Bryan, Snyder, Tex. Tex.

Dallas, Tex. Fort Worth, Tex. Houston, Tex. Lubbock, Tex Midland-Odessa, Tox. Mineral Wells, Tex. Plainview, Tex. San Angelo, Tex. Santa Fo, N. Mex. Sweetwater, Tox. Temple, Tex. Waco, Tex.

4. The intermediate points Lamesa, Texas and Las Vegas, New Mexico aro eligible for certification pursuant to section 401 (e) (3) although not served during the period May 19, 1955 to June 3, 1955 because service was interrupted for reasons over which Continental or Pioneer had no control.

5. The service rendered by Continental or Pioneer, its predecessor in interest, during the period from September 1. 1950, the date of its last certification, to the present has been adequate and emcient within the meaning of section 401 (e) (3) of the act.

6. The following points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On 'Continental's segment 1, the intermediate points Lubbock, Midland-Odessa, Abilene, San Angelo, and Austin,

(b) On segment 2, the intermediate points College Station-Bryan, Temple, and Waco, Texas;

(c) On segment 3, the intermediate points Fort Worth, Abilene, and Big Spring, Texas;

(d) On segment 4, the intermediate points Clovis, and Santa Fe, New Mexico.

We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled

³ Filed as part of original document.

7. The public convenience and necessity do not at this time require the certification for a period of unlimited duration of the following intermediate points which; on the basis of the most recent available data, have generated less than an average of-five enplaned passengers per-day but the public convenience and necessity do require that each of the following points be temporarily certificated for a period of three years:

(a) On Continental's segment 1, the ıntermediate point Plainview

Lamesa, Texas;

(b) On segment 3, the intermediate points Mineral Wells, Breckenridge, Sweetwater, and Snyder, Texas;

(c) On segment 4, the intermediate

point Las Vegas, New Mexico.

8. Continental's present authority to serve the intermediate point Ranger-Eastland-Cisco, Texas, should not be included in the certificate to be issued in this proceeding for the reason that Continental has never served this point and it is therefore not eligible for certification under section 401 (e) (3) of the act.

9. Continental's present authority to serve the intermediate point Tucumcari, New Mexico, should not be included in the certificate to be issued in this proceeding for the reason that Continental has not served this point during the period May 19, 1955, to June 3, 1955, for reasons not beyond its control and it is therefore not eligible for certification under section 401-(e) (3) of the act.

Therefore it is ordered, That:

1. Continental is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Continental and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date thereof, file written notice

of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for ımmediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Continental, the Mayors of Ranger, Eastland, Lamesa and Cisco, Texas and Las Vegas and Tucumcari, New Mexico. the Mayor of each city served by Continental on route No. 64 during the period May 19, 1955, to June 3, 1955, and on every certificated air carrier serving a point served by Continental on route No. 64 during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary. APPENDIX A

UNITED STATES OF AMERICA

CIVIL AFRONAUTICS BOARD

Washington, D. C.

CERTIFICATE OF PUBLIC CONVENIENCE AND NE-CESSITY FOR LOCAL OR FEEDER SERVICE

Continental Air Lines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property. and mail, as follows:

1. Between the terminal point Amarillo, Tex., the intermediate points Plainview, Lubbock, Lamesa, Midland-Odessa (to be served through Midland Army Air Field), Abilene, San Angelo and Austin, Tex., and the terminal point Houston, Tex.;

2. Between the terminal point Houston,

Tex., the intermediate points College Station-Bryan, Temple and Waco, Tex., and the terminal point Dallas, Tex.;

3. Between the terminal point Dallas, Tex., the intermediate points Fort Worth, Mineral Wells, Breckenridge, Abilene, Sweet-water, Snyder and Big Spring, Tex., and the terminal point Midland-Odessa, Tex.; 4. Between the terminal point Lubbock,

Tex., the intermediate points Clovis, Los Vegas and Santa Fe, N. Mex., and the terminal point Albuquerque, N. Mex.,

to be known as Route No. 64.

The service herein authorized is subject the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and, except as otherwise provided herein, may begin or terminate, or begin and terminate, trips at

points short of terminal points.
(2) The holder may continue to cerve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through an airport named herein, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the four numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend cervice, or (c) the holder is unable to render cervice on such trip because of adverce weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) None of the following pairs of points shall be served on the same flight: Abliene and Midland-Odessa, Tex., Abliene and Lamesa, Tex., on segment 1; Austin and Dallas, Tex., San Angelo and Fort Worth, Tex., San Angelo and Dallas, Tex.

(5) The holder shall render nonstop cervers the same statement of the same statement of the same statement.

ice between Houston and Austin, Tex., only on flights either originating or terminating at points west of Austin or north of Houston.

(6) Notwithstanding the provisions of paragraph "(3)" the holder may omit cervice to Mineral Wells and Breckenridge, Tex.,

on all flights between Abilene and Fort Worth, Tex., in excess of two daily round

trips between such points.
(7) The authorization to serve Plainview, Lamesa, Mineral Wells, Breckenridge, Sweetwater, and Snyder, Texas, and Las Vegas, New Mexico, shall continue in effect

up to and including ______ The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limita-tions required by the public interest as may from time to time be prescribed by the Board.

The corvices authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aero-nautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air trans-portation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation cervice of the character described above.

This certificate shall be effective on 1955: Provided, however, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seek-ing reconsideration of the Board's order of ., 1955, (Order E-___ ___) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ____ day of or th 1955. [SEAL]

Attest:

ROSS RIZLEY, Chairman.

Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, 1955, granted a certificate of public convenience and necessity of un-limited duration to Continental Air Lines. Inc. (Continental), authorizing Continental to engage in air transportation of persons, property and mall over route No. 64. In the past, Continental or its predecessor in inter-est, Pioneer Air Lines, Inc. (Pioneer), has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 64.
The term of effectiveness of some of these

authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 64 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Continental in its operation under the certificate of unlimited duration concurrently issued herewith. It. therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding tem-porary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to in-clude all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to Parts 202.4 and 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the Act and of Conti-nental's certificate, insofar as it would otherprevent the operations hereinafter authorized, would be an undue burden upon Continental by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Continental's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 64 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Continental's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Continental and are

otherwise in the public interest;
4. Pioneer, Continental's predecessor in interest, was authorized by Order E-2938,
June 17, 1949, to omit service at Mineral Wells, Texas, on flights in excess of two round trips daily. Since similar authority is contained in the certificate being issued to Continental concurrently with the issuance of this order, the authority previously granted by Order E-2938 should be termi-nated on the date of effectiveness of Continental's new certificate. The authority granted by Order E-8177, March 23, 1954, to omit service at Mineral Wells and Breckenridge on flights in excess of one round trip daily at each of those points should, however, be extended;

5. Pioneer, Continental's predecessor in interest, was authorized to suspend service at Las Vegas, N. Mex., because of inadequate airport facilities by Order E-5825, October 31, 1951, and to suspend service at Tucumcari, N. Mex., for economic reasons by Order E-7946, December 4, 1953. By Order E-6277, April 7, 1952, Pioneer was authorized to omit service at Las Vegas and Tucumcari on all flights in excess of one round trip daily. The point Tucumcari is not included in the certificate being issued to Continental con-currently with this order. The point Las vegas is included in Continental's new certificate for route No. 64 but the suspension of service because of inadequate airport facilities should and will be continued. The authority granted by Order E-6277 is now moot and will be terminated;

6. The authority granted by Order No. E-818, September 24, 1947, authorizing Pioneer to suspend service at Lamesa, Texas, because of inadequate airport facilities,

should and will be continued;

7. The effectiveness of Order E-292, February 13, 1947, which authorized suspension of service at the point Ranger-Eastland-Cisco because of inadequate airport facilities should be terminated because the point Ranger-Eastland-Cisco is not included in the certificate being issued to Continental concurrently with this order;

8. The authority granted by Order E-7686, September 4, 1953, to suspend service at Temple and College Station-Bryan, Texas, on segment 1 will be terminated because those points are not included on segment 1 of the certificate being issued to Continental concurrently with this order;

9. The authority granted by Order E-9420, July 22, 1955, permitting Continental to operate between Austin and Houston, Texas, without restriction is effective for one year from the date of that order and should be continued for that period.

Accordingly, it is ordered that: 1. Continental be and hereby is temporarily exempted from the provisions of section 401 (a) of the Act and the limitations of its certificate insofar as they would prevent Continental from operating between Austin and Houston, Texas, without restriction for a period of one year from July 22, 1955 (previously authorized by Order E-9420, July 22, 1955):

2. Continental be and hereby is authorized to omit service at Big Spring, Snyder and Sweetwater, Texas on all flights operated between Midland-Odessa and Abilene, Texas, over segment 3 of route No. 64 in excess of two round trip flights daily; Provided, That any flight operated between Midland-Odessa and Fort Worth or Dallas, Texas, pursuant to the authority granted herein shall serve two other points as intermediate points (Previously authorized by Orders E-8376, E-8615 and E-9143);

3. Continental be and hereby is authorized to omit service at Mineral Wells and Breckenridge, Texas, on flights in excess of one round trip daily at each of the afore-said points (Previously authorized by Order

E-8177);

4. Continental be and hereby is authorized to suspend service temporarily at Lamesa, Texas, and Las Vegas, New Mexico, on route No. 64 until such time as airport facilities adequate and suitable for safe air operations with the type of aircraft employed by Continental are available (Previously authorized by Orders E-818 and E-5825)

5. Continental be and hereby is authorized to render flag-stop service on its route No. 64, by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: Provided, That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (Previously authorized by Orders E-4629 and E-6139);

6. The authority previously granted to Continental or Pioneer by Orders E-292, E-818, E-2938, E-4629 and E-6139 insofar as they pertain to Continental or Pioneer, E-5825, E-6277, E-7686, E-1946, E-8177, E-8376, E-8615, E-9143 and E-9420, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 64 being issued to Continental concurrently with the issuance of this order become effective.

7. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective rently with the effective date of the certificate issued to Continental in Docket No.

8. This Order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board:

M. C. MULLIGAN, [SEAL] Secretary.

[F. R. Doc. 55-6813; Filed, Aug. 22, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

(Docket No. 11163; FCC 55M-7321

VILLAGE BROADCASTING CO. (WOPA)

ORDER CONTINUING HEARING

In re application of Richard Goodman, Mason Loundy and Egmont Sonderling, a partnership d/b as Village Broadcasting Company (WOPA) Oak Park, Illinois, Docket No. 11163, File No. BP-9271, for construction permit.

The Hearing Examiner having under consideration a Petition to Accept Late Filing of Appearance filed August 9, 1955, on behalf of Village Broadcasting Company (WOPA), requesting that the Commission receive its "Notice of Appearance" in this proceeding which was not timely filed, and the "Notice of Appearance" of the applicant and its counsel submitted with the petition; and other matters shown by the Docket file as hereinafter noted; and

It appearing that the statements of appearance by and for the applicant and its counsel as required by Rules 1.387 (a) and 1.716 were not timely filed because of oversight, and that no objections to the petition have been filed, and that it will conduce to the proper dispatch of the Commission's business and to the ends of justice to permit the applicant and its counsel to participate fully in the

hearing; and

It further appearing from the Docket file therein that this matter is designated for hearing on September 16, 1955, but that the applicant has filed on August 11, 1955, a Petition for Reconsideration and Grant Without Hearing which is addressed to the Commission, and that the scheduled hearing should be postponed to await action by the Commission

on this pleading; now therefore

It is ordered, This 16th day of August
1955, that the Petition to Accept Late Filing of Appearance be and it is hereby granted; And it is further ordered, That the hearing now scheduled to be commenced on Friday, September 16, 1955, be and it is hereby continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] WM. P MASSING, Acting Secretary.

[F. R. Doc. 55-6818; Filed, Aug. 22, 1955; 8:49 a. m.]

> [Docket No. 11461; FCC 55M-785] VALR. Inc.

ORDER CONTINUING HEARING

In the matter of VALR, Incorporated, licensee of Station KSDA, Redding, California, Docket No. 11461, order to show cause why the license for standard broadcast station KSDA should not be revoked.

The Hearing Examiner having under consideration a petition filed on August 15, 1955 by VALR, Incorporated (KSDA), for continuance of the hearing from September 6, 1955 to October 5, 1955;

It appearing that counsel for the Oil & Gas Co., Inc. and Oliver Jenkins, Chief, Broadcast Bureau has no objection to the request for continuance;

It is ordered, This 16th day of August. 1955, that the petition is granted and the hearing is continued from September 6, 1955 to Wednesday, October 5, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

> FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

WM. P MASSING Acting Secretary.

[F. R. Doc. 55-6819; Filed, Aug. 22, 1955;

FEDERAL POWER COMMISSION

[Docket Nos. G-7233, etc.]

W. E. ELLIOTT ET AL.

NOTICE OF APPLICATION AND DATE OF HEAR-ING FOR CERTIFICATES OF PUBLIC CON-VENIENCE AND NECESSITY

August 16, 1955.

In the matters of W. E. Elliott, Docket No. G-7233; Equitable Gas Company, Docket No. G-7260; Philadelphia Oil Company, Docket No. G-7261; Philadelphia Oil Company, Docket No. G-7262; A. H. Stump Gas Co. No. 1, Docket No. G-7279; Malissa Wilmoth Lease, Docket No. G-7282; Katie Garretson Lease, Docket No. G-7283; S. A. Corbin Well No. 1, Docket No. G-7284; Burks Gas Company, Docket No. G-7321, Joe Rubin & Sons, Docket No. G-7322; Clay Gas Company, Docket No. G-7323; Hall Gas Company, Docket No. G-7326; Evans

Docket No. G-7361, C. L. Sample, Docket No. G-7364; Lambert Gas Company, Docket No. G-7705; Caldwell Gas Company, Docket No. G-7743; Freeman Gas Company, Docket No. G-7744; Pridemore and Adkins, Docket No. G-7745; Pigeon Creek Gas Company, Docket No. G-7765; Federal Gas Corporation, Docket No. G-7766; Harman Gas Company, Docket No. G-7767; Black Gas Company, Docket No. G-7786; Sanging Branch Gas Company, Docket No. G-7787; Pate Gas Company, Docket No. G-7788; Kenna Gas Company, Docket No. G-7789; Huffman Gas Company, Docket No. G-7790; Leet Gas Company, Docket No. G-7791, Hamlin Natural Gas Company, Docket No. G-7792; Magnolia Gas Company, Docket No. G-7793; Randolph Gas Company, Docket No. G-7795; Dotson Branch Gas Company, Docket No. G-7796; J. S. Pridemore & R. H. Adkins, Docket No. G-7797.

Take notice that the above-designated parties referred to herein singly and collectively as Applicant filed applications for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission, and open for public inspection.

The name of the Applicant, date of filing, name of purchaser and source of production are listed in tabular form as follows:

Applicant Date of filing Purchaser Field location G-7233 W. E. Elliott.... Dec. 1,1954 United Fuel Gas Co..... Island Creek, Pike County, S. W. District, Doddridgo County, W.Va. Troy District, Gilmer County, W. Va. Birth District, Braxton County G-7260 Equitable Gas Co..... Hope Natural Gas Co ____do___ G-7261 Philadelphia Oil Co----Equitable Gas Co..... W. Va.
Birch District, Braxton County
W. Va.
Center District, Gilmer County,
W. Va.
Sherman District, Calhoun
County, W. Va.
Do.
Union District, Ritchlo
County, W. Va.
Haris Creek District, Lincoln
County, W. Va.
Elk District, Kanawha County,
W. Va.
Henry District, Clay County,
W. Va.
Leo District, Calhoun County,
W. Va.
Tom's Creek, Muddy Branch,
Johnson County, Ky.
Benezeite, Drilltwood, Elk,
Cameron, Pa.
Lincoln County, W. Va.
Putnam County, W. Va. G-7262 A. H. Stump Gas Co. No. G-7279 ob . Godfrey L. Cabot, Inc Malissa Wilmoth Lease ... G-7282 _do_ Katie Garretson Lease... S. A. Corbin Well No. 1... _đo. G-7283 G-7284 Carnegle Natural Gas Co. Burks Gas Co..... G-7321 United Fuel Gas Co..... ----do----G-7322 Joe Rubin & Sons..... Clay Gas Co.... G-7323 G-7326 Hall Gas Co.... Godfrey L. Cabot, Inc ... Kentucky-West Virginia Gas Co. New York State Natural Gas Co. United Fuel Gas Co. United Fuel Gas Co. United Fuel Gas Co. South Penn Natural Gas Co. United Fuel Gas Co. United Fuel Gas Co. Evans Oil & Gas Co., Inc., and Oliver Jenkins. C. L. Sample G-7361 G-7364 Lambert Gas Co...... Caldwell Gas Co..... G-7705 G-7743 Dec. 2,1954 Freeman Gas Co..... Pridemore and Adkins. G-7744 G-7745 _do_ Do. Lincoln County, W. Va. do Pigeon Creek Gas Co.... Federal Gas Corp.... Harmon Gas Co..... Do. Do. Do. G-7765 G-7766 G-7767 South Penn Natural Gas South Penn Natural Gas
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Co. _do_ G-7786 G-7787 οħ Cabell County, W. Va. Lincoln County, W. Va. Pate Gas Co..... Kenna Gas Co.... Putnam County, W. Va. Cabell County, W. Va. G-7788 G-7789 ...ob____ ____do____ Huffman Gas Co.... Leet Gas Co... Hamlin Natural Gas Co... G-7790 do. Lincoln County, W. Va. G-7791 G-7792 Do. ___do__ Magnolia Gas Co...... Randolph Gas Co..... G-7793 G-7795 . do Do. Putnam County, W. Vs. G-7796 G-7797 Dotson Branch Gas Co... J. S. Pridemore and R. H. Adkıns. .do. Lincoln County, W. Va.

do

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 30, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

SEALT

J. H. GUTRIDE, Acting Secretary.

[P. R. Doc. 55-6805; Filed, Aug. 22, 1955; 8:46 a. m.]

[Docket No. G-1568]

Tennessee Gas Transmission Co.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

August 17, 1955.

Notice is hereby given that on July 28, 1955, the Federal Power Commission issued its order adopted July 27, 1955, in the above-entitled matter, modifying order of August 6, 1953 (18 F. R. 4896) issuing a certificate of public convenience and necessity, authorizing Tennessee Gas Transmission Company, as successor in interest to Northeastern Gas Transmission Company, to construct and operate facilities for the purpose of establishing a connection with the facilities of Allied New Hampshire Gas Company and to sell and deliver to Allied up to a maximum of 2,040 Mcf (14.73 p. s. i. a.) per day Provided, however That no such sale and delivery to Allied shall be made unless and until Haverhill Gas Light Company files an application for and is granted permission and approval to abandon the service now rendered by Haverhill to Allied pursuant to the certificate granted by the order issued May 13, 1953, at Docket No. G-1833.

SEAL

J. H. GUTRIDE. Acting Secretary.

[F. R. Doc. 55-6826; Filed, Aug. 22, 1955; 8:50 a. m.]

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER Co.

NOTICE OF APPLICATION TO EXPORT ELECTRIC ENERGY

AUGUST 16, 1955.

Take notice that on July 18, 1955, a supplemental application was filed by

the California Electric Power Company (Applicant), for authorization to export from the United States to Mexico to its wholly owned subsidiary, Industrial Electrica Mexicana, S. A. de C. V., the amounts of electric energy at the respective transmission rates hereinafter set forth:

Year	Calexico, Calif.		Andrade, Calif.		Gadsden, Ariz.	
1954	'M kwhr.	Kw.	M kwhr.	Kw.	M kwhr.	Kw.
	91, 398	21,100	6, 266	2,160	9,370	2,520
	115, 000	27,000	10, 000	4,000	13,000	4,000
	130, 000	30,000	30, 000	10,000	13,000	4,000

According to the application, Applicant is a corporation organized and existing under the laws of the State of Delaware, and qualified to do business as a foreign corporation in the States of California, Nevada and Arizona, with its principal place of business in Riverside, California.

place of business in Riverside, California.

The application requests that the authorization heretofore granted to the

Applicant by the Commission's order issued April 8, 1954, in the above entitled matter, be entirely superseded by the authorization presently sought. By that order the applicant was authorized to export the amounts of electric energy at the respective rates hereinafter set forth:

Year	Calexico, Calif.		Andrade, Calif.		Gadsden, Ariz.	
1954	M kwhr.	Kw.	M kwhr.	Kw.	,M kwhr.	. Kw.
	82,000	19, 200	8, 400	2,850	9,000	3, 000
	92,500	21, 700	11, 300	4,000	9,600	3, 200
	103,000	24, 100	13, 000	5,150	10,200	3, 400
	113,500	26, 500	14, 500	5,750	10,600	3, 500
	122,000	28, 600	14, 700	5,800	10,900	3, 600

Any person desiring to be heard or to make any protest with reference to the aforesaid supplemental application, should on or before the 30th day of August 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's General Rules and Regulations. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6825; Filed, Aug. 22, 1955; 8:50 a. m.]

[Docket No. G-6211] CONTINENTAL OIL CO.

NOTICE OF CONTINUANCE OF HEARING

AUGUST 16, 1955.

Upon consideration of the motion of Continental Oil Company, filed August 15, 1955, for continuance of the hearing in the above-designated matter now scheduled for September 6, 1955;

The hearing now scheduled for September 6, 1955 is postponed to a date to be hereafter fixed by further notice.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6827; Filed, Aug. 22, 1955; 8:50 a. m.]

[Docket Nos. G-8682, etc.] Blanche N. White et al.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 17, 1955.

In the matters of Blanche N. White, Docket No. G-8682; Howard Cameron,

Docket No. G-8784; Paul J. Fly, et al., Docket No. G-8844, Blalack & Walter, Docket No. G-8979.

Notice is hereby given that on July 29, 1955, the Federal Power Commission issued its findings and order adopted July 27, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6828; Filed, Aug. 22, 1955; 8:50 a. m.]

[Docket No. G-8882]

WASHINGTON GAS LIGHT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 17, 1955.

Notice is hereby given that on July 28, 1955, the Federal Power Commission issued its findings and order adopted July 27, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-6829; Filed, Aug. 22, 1955; 8:50 a.m.]

[Docket No. G-8922]

UNITED FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 17, 1955.

Notice is hereby given that on July 29, 1955, the Federal Power Commission issued its findings and order adopted

July 27, 1955, issuing a certificate of public convenience and necessity and permitting and approving abandonment of facilities in the above-entitled matter.

[SEAL]

J. H. Gutride, Acting Secretary.

[F. R. Doc. 55-6830; Filed, Aug. 22, 1955; 8:50 a. m.]

[Projects Nos. 1971, 2132, 2133]

IDAHO POWER CO.

NOTICE OF OPINION NO. 283 AND ORDER ISSUING LICENSE (MAJOR)

AUGUST 17, 1955.

Notice is hereby given that on August 4, 1955, the Federal Power Commission issued its opinion and order adopted July 27, 1955, issuing license (Major) in the above-entitled matters.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6831; Filed, Aug., 22, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

THOMAS EDWARD ROBERTSON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of August 1955.

In the matter of Thomas Edward Robertson, 1933 Main Street, Dallas, Texas.

I. The Commission's public official files disclose that Thomas Edward Robertson, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is, true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

Filed as part of the original document.

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 20th day of September 1955 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before September 13, 1955. Upon completion of any such hearing in this matter the Hearing Exammer shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 20, 1955.

In the absence of an appropriate waiver, no officer or employee of the

Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 55-6806; Filed, Aug. 22, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

August 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30978: Blackstrap Molasses from Western Louisiana. Filed by J. H. Marque, Alternate Agent, for interested rail carriers. Rates on blackstrap molasses, carloads from specified points in Louisiana west of the Mississippi River to specified points in Illinois, Indiana, Kentucky, Ohio and Tennessee.

Grounds for relief: Circuitous routes. Tariff: Supplement 18 to Alternate Agent Marque's I. C. C. 435.

FSA No. 30979: Dried Beans, Peas and Lentils from West to Southern Territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on beans, lentils, and peas, carloads from specified points in Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, and Wyoming to specified points in southern territory.

Grounds for relief: Circuitous routes.
Tariff: Supplement 33 to Agent Prue-

ter's I. C. C. A-3885.

FSA No. 30980; Passenger automobiles—Evansville, Ind., to Kansas. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on passenger automobiles, carloads from Evansville, Ind., to specified points in Kansas.

Grounds for relief: Short-line distance

formula and circuity.

Tariff: Supplement 125 to Agent Hinsch's I. C. C. 4238.

FSA No. 30981. Titanium dioxide—Savannah and Port Wentworth, Ga., to Official Territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on titanium dioxide, carloads from Ravannah and Port Wentworth, Ga., to Ohio River Crossings and specified points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, market competition, and cir-

cuity.

Tariffs: Supplement 145 to Agent Spaninger's I. C. C. 1351; Supplement 135 to Agent Spaninger's I. C. C. 1324.

FSA No. 30982: Cement—Alabama to Gainesville, Ga. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cement, carloads from Birmingham, Boyles, Leeds, North Birmingham, and Phoenixville, Ala., to Gainesville, Ga.

Grounds for relief: Circuitous routes. Tariff: Supplement 36 to Agent Spaninger's I. C. C. 1447.

By the Commission.

[SEAL] HAROLD D. McCoy,

Secretary.

[F. R. Doc. 55-6807; Filed, Aug. 22, 1955; 8:46 a. m.]